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2005

JOURNAL OF THE HOUSE

2005 REGULAR SESSION EIGHTY-FIRST GENERAL ASSEMBLY

Convened January 10, 2005
Adjourned May 20, 2005

Volume I
January 10, 2005—April 20, 2005

THOMAS J. VILSACK, Governor
CHRISTOPHER RANTS, Speaker of the House
JOHN P. KIBBIE, Co-President of the Senate
JEFF LAMBERTI, Co-President of the Senate

Published by the
STATE OF IOWA
Des Moines

EIGHTY-FIRST GENERAL ASSEMBLY
2005 Regular Session
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JERRY ORMAN, <i>Assistant Sergeant-at-Arms</i>	Windsor Heights
JIM GLENN, <i>Doorkeeper</i>	Des Moines
GARY D. LYNCH, <i>Doorkeeper</i>	Mitchellville
HOWARD H. SCOTT, <i>Senior Doorkeeper</i>	Des Moines
ROBERT YEAGER, <i>Doorkeeper</i>	Windsor Heights
MARK WILLEMSSEN, <i>Facilities Manager</i>	Johnston
MARK S. LUNDBERG, <i>Conservation/Restoration Specialist II</i>	Des Moines

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

Official Address, Des Moines, Iowa

- THOMAS J. VILSACK, *Governor*.....Mount Pleasant
- SALLY J. PEDERSON, *Lieutenant Governor* Des Moines
- CHET CULVER, *Secretary of State* West Des Moines
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- PATTY JUDGE, *Secretary of Agriculture
and Land Stewardship*.....Albia
- TOM MILLER, *Attorney General*..... Des Moines

JUSTICES OF THE IOWA SUPREME COURT

- LOUIS A. LAVORATO, *Chief Justice*..... Des Moines
- MARK S. CADY, *Justice* Fort Dodge
- JAMES H. CARTER, *Justice* Cedar Rapids
- J. L. LARSON, *Justice* Harlan
- MICHAEL J. STREIT, *Justice*..... Chariton
- MARSHA K. TERNUS, *Justice*..... Des Moines
- DAVID WIGGINS, *Justice*..... West Des Moines

IOWA COURT OF APPEALS JUDGES

- ROSEMARY S. SACKETT, *Chief Judge*..... Okoboji
- LARRY J. EISENHAUER, *Judge*..... Ankeny
- DARYL L. HECHT, *Judge*..... Sioux City
- TERRY L. HUITINK, *Judge*..... Ireton
- ROBERT E. MAHAN, *Judge*..... Waterloo
- JOHN C. MILLER, *Judge* Burlington
- ANURADHA VAITHESWARAN, *Judge*..... Des Moines
- GAYLE NELSON VOGEL, *Judge* Knoxville
- VAN D. ZIMMER, *Judge*..... Vinton

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

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REPRESENTATIVES

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Alons, Dwayne.....	Hull.....	59	Farmer.....	4th— <i>Sioux, Lyon</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Anderson, Richard.....	Clarinda.....	49	Attorney.....	97th— <i>Page, Fremont, Mills</i>	81 (1 st)
Arnold, Richard.....	Russell.....	60	Farmer.....	72nd— <i>Lucas, Mahaska, Marion, Monroe</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81(1 st)
Baudler, Clel.....	Greenfield.....	66	Retired State Trooper/Farmer.....	58th— <i>Adair, Audubon, Cass, Guthrie</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81(1 st)
Bell, Paul.....	Newton.....	55	Police Lieutenant.....	41st— <i>Jasper</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Berry, Deborah L.....	Waterloo.....	47	State Representative.....	22nd— <i>Blackhawk</i>	80, 80X, 80XX, 81 (1 st)
Boal, Carmine.....	Ankeny.....	49	Legislator.....	70th— <i>Polk</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Bukta, Polly.....	Clinton.....	67	Retired Educator.....	26th— <i>Clinton</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Carroll, Danny.....	Grinnell.....	52	Community Relations.....	75th— <i>Poweshiek, Mahaska</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Chambers, Royd E.....	Sheldon.....	44	Educator.....	5th— <i>O'Brien, Clay, Osceola, Sioux</i>	80, 80X, 80XX, 81 (1 st)
Cphoon, Dennis M.....	Burlington.....		Special Education Teacher.....	88th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Dandekar, Swati A.....	Marion.....	54	Community Leader.....	36th— <i>Linn</i>	80, 80X, 80XX, 81 (1 st)
Davitt, Mark.....	Indianola.....	53	Communications Consultant.....	74th— <i>Warren</i>	80, 80x, 80XX, 81 (1 st)
De Boef, Betty R.....	What Cheer.....	54	Partner in farming and wood grinding operation.....	76th— <i>Keokuk, Iowa, Poweshiek, Tama</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Dix, Bill.....	Shell Rock.....	43	Farmer.....	17th— <i>Butler, Bremer</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Dolecheck, Cecil.....	Mount Ayr.....	54	Farmer.....	96th— <i>Ringgold</i> , Adams,	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81 (1 st)
Drake, Jack	Lewis.....	71	Farmer.....	57th— <i>Pottawattamie</i> , Cass, Shelby ..	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Eichhorn, George S.	Stratford.....	51	General Counsel	9th— <i>Hamilton</i> , Webster, Wright.....	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Elgin, Jeffrey C.....	Cedar Rapids	54	Businessman.....	37th— <i>Linn</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Fallon, Ed	Des Moines.....	47	State Legislator	66th— <i>Polk</i>	75, 76, 77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81 (1 st)
Foege, Ro	Mount Vernon.....	67	Social Worker-Retired	29th— <i>Linn</i> , Johnson	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Ford, Wayne W.....	Des Moines.....	52	Exec. Director Urban Dreams.....	65th— <i>Polk</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Freeman, Mary Lou	Alta.....	64	Education.....	52nd— <i>Buena Vista</i> , Sac	80, 80X, 80XX, 81 (1 st)
Frevert, Marcella R.....	Emmetsburg	68	Legislator.....	7th— <i>Palo Alto</i> , Emmet, Kossuth ...	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81 (1 st)
Gaskill, Mary.....	Ottumwa.....	64	Retired County Auditor.....	93rd— <i>Wapello</i>	80, 80X, 80XX, 81 (1 st)
Gipp, Chuck.....	Decorah.....	58	Farmer.....	16th— <i>Winneshiek</i> , Allamakee	74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Granzow, Polly	Eldora.....	64	Farmer.....	44th— <i>Hardin</i> , Marshall.....	80, 80X, 80XX, 81 (1 st)
Greiner, Sandra H.....	Keota.....	60	Farmer.....	89th— <i>Washington</i> , Jefferson,	75, 76, 77, 78, 80, 80X, 80XX, 81 (1 st)

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY — 2005 REGULAR SESSION

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REPRESENTATIVES

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Heaton, Dave	Mt. Pleasant	61	Restaurant Owner	91st—Henry, Lee	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Heddens, Lisa K.	Ames	41	Family Support Coordinator	46th—Story, Boone	80, 80X, 80XX, 81 (1 st)
Hoffman, Clarence C.	Charter Oak	72	Insurance	55th—Crawford, Ida, Monona, Woodbury	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Hogg, Robert M.	Cedar Rapids	38	Attorney	38th—Linn	80, 80X, 80XX, 81 (1 st)
Horbach, Lance J.	Tama	47	Insurance Agent	40th—Tama, Grundy	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Hunter, Bruce	Des Moines		Customer Service Manager	62nd—Polk	80, 80X, 80XX, 81 (1 st)
Huseman, Daniel A.	Aurelia	53	Farmer	53rd—Cherokee, Plymouth, Woodbury	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Huser, Geri D.	Altoona		Lawyer/Social Worker	42nd—Polk, Jasper	77, 78, 79, 79X, 79XX 80, 80X, 80XX, 81 (1 st)
Hutter, Joseph I.	Bettendorf	68	Retired Police Officer	82nd—Scott	80, 80X, 80XX, 81 (1 st)
Jacobs, Elizabeth "Libby" S.	West Des Moines	49	Community Relation Director	60th—Polk	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
*Jacoby, Dave	Coralville	49	Program Director	30 th —Johnson	80 (2 nd), 80X, 80XX, 81 (1 st)
Jenkins, G. Willard	Waterloo	68	Engineer	20th—Black Hawk	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Jochum, Pam	Dubuque		Instructor for NICC	27th—Dubuque	75, 76, 77, 78, 79, 79X 79XX, 80, 80X, 80XX, 81 (1 st)
**Jones, Gerald D.	Silver City	72	Property Management	98th—Mills, Pottawattamie	79X, 79XX, 79 (2 nd), 80, 80X, 80XX, 81 (1 st)
Kaufmann, Jeffrey A.	Wilton	42	Teacher/Livestock Operator	79th Cedar, Johnson, Muscatine	81 (1 st)
Kressig, Bob	Cedar Falls	50	Retired (John Deere)	19th Black Hawk	81 (1 st)

* Elected in Special Election August 26, 2003

**Elected in Special Election June 12, 2001

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Kuhn, Mark A.	Charles City	55	Family Farmer	14th— <i>Floyd</i> , Cerro Gordo, Mitchell	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Kurtenbach, James M.	Nevada	48	Associate Professor	10th— <i>Story</i> , Hamilton	80, 80X, 80XX, 81 (1 st)
Lalk, David	Westgate	57	Farmer/Retired Deere Employee	18th— <i>Fayette</i> , Black Hawk, Bremer	80, 80X, 80XX, 81 (1 st)
Lensing, Vicki	Iowa City		Funeral Home Owner	78th— <i>Johnson</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Lukan, Steven F.	New Vienna	27	Tire Technician	32nd— <i>Dubuque</i> , Delaware	80, 80X, 80XX, 81 (1 st)
Lykam, Jim D.	Davenport		Small Business Owner	85th— <i>Scott</i>	73, 80, 80X, 80XX, 81 (1 st)
Maddox, O. Gene	Clive	67	Lawyer	59th— <i>Polk</i>	80, 80X, 80XX, 81 (1 st)
Mascher, Mary	Iowa City	51	Teacher	77th— <i>Johnson</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
May, Mike	Spirit Lake	60	Retired Teacher/Resort Owner	6th— <i>Dickinson</i> , Clay	81 (1 st)
McCarthy, Kevin M.	Des Moines	34	Attorney	67th— <i>Polk</i>	80, 80X, 80XX, 81 (1 st)
Mertz, Dolores M.	Ottosen	77		15th— <i>Kossuth</i> , Humboldt, Pocahontas, Webster	73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Miller, Helen	Fort Dodge	60	Attorney/Arts Educator	49th— <i>Webster</i>	80, 80X, 80XX, 81 (1 st)
*Murphy, Patrick J.	Dubuque	46	Democratic Leader	28th— <i>Dubuque</i>	73 (2 nd), 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Oldson, Jo	Des Moines	49		61st— <i>Polk</i>	80, 80X, 80XX, 81 (1 st)
Olson, Donovan	Boone	40	Distance Education Coordinator	48th— <i>Boone</i> , Dallas	80, 80X, 80XX, 81 (1 st)
Olson, Rick L.	Des Moines	54	Attorney	68th— <i>Polk</i>	81 (1 st)
Olson, Steven N.	DeWitt	58	Farmer	83rd— <i>Clinton</i> , Scott	80, 80X, 80XX, 81 (1 st)
Paulsen, Kraig	Hiawatha	41	Attorney	35th— <i>Linn</i>	80, 80X, 80XX, 81 (1 st)

*Elected in Special Election June 12, 2001

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Petersen, Janet	Des Moines	35	Marketing Communications Consultant	64th— <i>Polk</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Pettengill, Dawn E.	Mt. Auburn	50	Retirement /Investor Services	39 th — <i>Benton, Iowa</i>	81 (1 st)
Quirk, Brian J.	New Hampton	33	Electrical Contractor	15th— <i>Chickasaw, Howard, Winneshiek</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Raecker, J. Scott	Urbandale	41	Exec. Director-Institute for Character Development	63rd— <i>Polk</i>	78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Rants, Christopher C.	Sioux City	38	Self Employed	54th— <i>Woodbury</i>	75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Rasmussen, Daniel J.	Independence	58	Ex. Land Improvement Contractor Cont. Assn.	23rd— <i>Buchanan, Black Hawk</i>	80, 80X, 80XX, 81 (1 st)
Rayhons, Henry V.	Garner	69	Farmer	11th— <i>Hancock, Winnebago, Worth</i>	77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Reasoner, Michael J.	Creston	45	State Legislator	95th— <i>Union, Clark, Decatur</i>	80, 80X, 80XX, 81 (1 st)
Reichert, Nathan	Muscatine	35	Allsteel Customer Support	80th— <i>Muscatine</i>	81 (1 st)
Roberts, Rod	Carroll	48	Dev. Dir./Christian Churches/ Church of Christ in Iowa	51st— <i>Carroll, Crawford, Sac</i>	80, 80X, 80XX, 81 (1 st)
Sands, Thomas R.	Columbus Junction	51	Banker/Farmer/Appraiser	87th— <i>Louisa Des Moines, Muscatine</i>	80, 80X, 80XX, 81 (1 st)
Schickel, Bill	Mason City	54	Radio Station Gen. Manager	13th— <i>Cerro Gordo</i>	80, 80X, 80XX, 81 (1 st)
Schueller, Thomas J.	Maquoketa	50	Contractor	25th— <i>Jackson, Clinton, Dubuque</i>	81 (1 st)
Shomshor, Paul C., Jr.	Council Bluffs	38	Certified Public Accountant	100th— <i>Pottawattamie</i>	81 (1 st)
Shoultz, Don	Waterloo	69		21st— <i>Black Hawk</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Smith, Mark D.	Marshalltown	53	Director Special Projects	43rd— <i>Marshall</i>	79, 79X, 79XX, 80, 80X 80XX, 81 (1 st)
Soderberg, Chuck	LeMars	48	VP Planning & Legis Services, NW Power Cooperative	3rd— <i>Plymouth, Sioux</i>	81 (1 st)
Struyk, Douglas L.	Council Bluffs	35	Small Business Owner/Attorney	99th— <i>Pottawattamie</i>	80, 80X, 80XX, 81 (1 st)
Swaim, Kurt	Bloomfield	55	Attorney	94th— <i>Davis</i>	80, 80X, 80XX, 81 (1 st)
*Taylor, Dick	Cedar Rapids	72	Electrician/Project Manager	33rd— <i>Linn</i>	78 (2 nd), 79, 79X, 79XX 80, 80X, 80XX, 81 (1 st)
**Taylor, Todd	Cedar Rapids	38	Union Representative	34th— <i>Linn</i>	76 (2 nd), 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Thomas, Roger	Elkader	55	Farmer/Paramedic	24th— <i>Clayton, Delaware, Fayette</i>	77, 78, 80, 80X, 80XX, 81 (1 st)
Tjepkes, David A.	Gowrie	61	Retired State Trooper	50th— <i>Webster, Calhoun, Greene</i>	80, 80X, 80XX, 81 (1 st)
Tomenga, F. Walter	Johnston	59	Management Consultant	69th— <i>Polk</i>	81 (1 st)
Tymeson, Jodi S.	Winterset	50	Natl. Brigadier General in Iowa National Guard/ Licensed Teacher	73rd— <i>Madison, Dallas, Warren</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Upmeyer, Linda L.	Garner	53	Nurse Practitioner	12th— <i>Hancock, Cerro Gordo, Franklin</i>	80, 80X, 80XX, 81 (1 st)
Van Engelenhoven, James L.	Pella		Farmer	71st— <i>Marion, Jasper</i>	78, 79, 79X, 79XX, 80 80X, 80XX, 81 (1 st)

*Elected in Special Election January 4, 2000

**Elected in Special Election June 27, 1995

MEMBERS OF THE HOUSE—EIGHTY—FIRST GENERAL ASSEMBLY – 2005 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Van Fossen, Jamie	Davenport	45	Economic Development Analyst-Mid-American Energy	81st— <i>Scott</i>	76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Van Fossen, James “Jim” R.	Davenport	65	Retired Police Captain	84th— <i>Scott</i>	80, 80X, 80XX, 81 (1 st)
Watts, Ralph C.	Adel		Engineer, Business Mgmt. Retired	47th— <i>Dallas, Boone</i>	80, 80X, 80XX, 81 (1 st)
Wendt, Roger F.	Sioux City	72	Retired School Administrator	2nd— <i>Woodbury</i>	80, 80X, 80XX, 81 (1 st)
Wessel-Kroeschell, Beth	Ames	46		45th— <i>Story</i>	81 (1 st)
Whitaker, John R.	Hillsboro		Family Farmer	90th— <i>Van Buren, Jefferson, Wapello</i>	80, 80X, 80XX, 81 (1 st)
Whitead, Wesley E.	Sioux City	72		1st— <i>Woodbury</i>	77, 78, 80, 80X, 80XX 81 (1st)
*Wilderdyke, Paul A.	Woodbine	62	Community Relations	56th— <i>Harrison, Monona, Pottawattamie</i>	79XX, 79 (2 nd), 80, 80X, 80XX, 81 (1 st)
Winckler, Cindy Lou	Davenport	55	Instruction Facilitator	86th— <i>Scott</i>	79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Wise, Philip	Keokuk	59	Consultant, Retired Educator	92nd— <i>Lee</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76, 77, 78, 79, 79X, 79XX, 80, 80X, 80XX, 81 (1 st)
Zirkelbach, Raymond	Monticello	27	Correctional Officer/ Soldier	31st— <i>Jones, Dubuque</i>	81 (1 st)

*Elected in Special Election November 6, 2001

JOURNAL OF THE HOUSE

First Calendar Day - First Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 10, 2005

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Eightieth General Assembly of Iowa, 2005 Regular Session, convened at 10:06 a.m., Monday, January 10, 2005.

The House was called to order by the Honorable Libby Jacobs, State Representative from Polk County.

Prayer was offered by Jon Gaul, pastor of Grace United Methodist Church, Sioux City. He was the guest of Speaker Christopher Rants of Woodbury County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Grace and Kait Rants, the daughters of the Honorable Christopher Rants of Woodbury County.

TEMPORARY OFFICERS

On motion by Roberts of Carroll, Margaret A. Thomson of Polk County was elected Acting Chief Clerk. Margaret Thomson presented herself and took and subscribed to the following oath:

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

Boal of Polk moved that the Honorable Libby Jacobs of Polk County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Libby Jacobs by Acting Chief Clerk Thomson.

Temporary Speaker Jacobs of Polk in the chair.

CREDENTIALS OF MEMBERS

Rayhons of Hancock moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Rayhons of Hancock, Granzow of Hardin, May of Dickinson, Mascher of Johnson and Winckler of Scott.

REPORT OF COMMITTEE ON CREDENTIALS

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

CERTIFICATION

STATE OF IOWA
Office of
THE SECRETARY OF STATE

To the Honorable, The Chief Clerk of the House of Representatives:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the State, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 2, 2004, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 2005:

- First Wesley Whitead
Second..... Roger F. Wendt
Third..... Chuck Soderberg
Fourth..... Dwayne Arlan Alons
Fifth Royd E. Chambers
Sixth Mike May
Seventh..... Marcella R. Frevert
Eighth..... Dolores M. Mertz
Ninth George S. Eichhorn
Tenth James M. Kurtenbach
Eleventh Henry V. Rayhons
Twelfth Linda L. Upmeyer
Thirteenth Bill Schickel
Fourteenth Mark A. Kuhn
Fifteenth..... Brian Quirk
Sixteenth Chuck Gipp
Seventeenth Bill Dix
Eighteenth..... David Lalk

Nineteenth	Bob Kressig
Twentieth	Willard Jenkins
Twenty-first	Don Shultz
Twenty-second	Deborah L. Berry
Twenty-third	Dan Rasmussen
Twenty-fourth	Roger Thomas
Twenty-fifth	Thomas J Schueller
Twenty-sixth	Polly Bukta
Twenty-seventh	Pam Jochum
Twenty-eighth	Pat Murphy
Twenty-ninth	Ro Foege
Thirtieth	Dave Jacoby
Thirty-first	Ray Zirkelbach
Thirty-second	Steven F. Lukan
Thirty-third	Dick Taylor
Thirty-fourth	Todd Taylor
Thirty-fifth	Kraig Paulsen
Thirty-sixth	Swati A. Dandekar
Thirty-seventh	Jeff Elgin
Thirty-eighth	Robert M. Hogg
Thirty-ninth	Dawn Pettengill
Fortieth	Lance J. Horbach
Forty-first	Paul Bell
Forty-second	Geri D. Huser
Forty-third	Mark Smith
Forty-fourth	Polly Granzow
Forty-fifth	Beth Wessel-Kroeschell
Forty-sixth	Lisa Heddens
Forty-seventh	Ralph Watts
Forty-eighth	Donovan Olson
Forty-ninth	Helen Miller
Fiftieth	David A. Tjepkes
Fifty-first	Rod Roberts
Fifty-second	Mary Lou Freeman
Fifty-third	Dan Huseman
Fifty-fourth	Christopher C. Rants
Fifty-fifth	Clarence Hoffman
Fifty-sixth	Paul A. Wilderdyke
Fifty-seventh	Jack Drake
Fifty-eighth	Clei Baudler
Fifty-ninth	O. Gene Maddox
Sixtieth	Libby Jacobs
Sixty-first	Jo Oldson
Sixty-second	Bruce Hunter
Sixty-third	Scott Raecker
Sixty-fourth	Janet Petersen
Sixty-fifth	Wayne Ford
Sixty-sixth	Ed Fallon
Sixty-seventh	Kevin McCarthy
Sixty-eighth	Rick Olson
Sixty-ninth	Walt Tomenga
Seventieth	Carmine Boal

Seventy-first.....	Jim Van Engelenhoven
Seventy-second.....	Richard D. Arnold
Seventy-third.....	Jodi Tymeson
Seventy-fourth.....	Mark Davitt
Seventy-fifth.....	Danny C. Carroll
Seventy-sixth.....	Betty R. De Boef
Seventy-seventh.....	Mary Mascher
Seventy-eighth.....	Vicki Lensing
Seventy-ninth.....	Jeff Kaufmann
Eightieth.....	Nathan Reichert
Eighty-first.....	James Van Fossen
Eighty-second.....	Joe Hutter
Eighty-third.....	Steven Olson
Eighty-fourth.....	Jim Van Fossen
Eighty-fifth.....	Jim Lykam
Eighty-sixth.....	Cindy Winckler
Eighty-seventh.....	Thomas R. Sands
Eighty-eighth.....	Dennis M. Cohoon
Eighty-ninth.....	Sandra H. Greiner
Ninetieth.....	John Whitaker
Ninety-first.....	Dave Heaton
Ninety-second.....	Philip Wise
Ninety-third.....	Mary Gaskill
Ninety-fourth.....	Kurt Swaim
Ninety-fifth.....	Michael J. Reasoner
Ninety-sixth.....	Cecil Dolecheck
Ninety-seventh.....	Richard Anderson
Ninety-eighth.....	Gerald Jones
Ninety-ninth.....	Doug Struyk
One Hundredth.....	Paul Shomshor

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse in Des Moines, this 3rd of January, 2005.

CHESTER J. CULVER, Secretary of State

I hereby acknowledge receipt of the original copy of this document on the 7th day of January, 2005.

MARGARET A. THOMSON, Chief Clerk of the House of Representatives

HENRY RAYHONS, Chair
 POLLY GRANZOW
 MIKE MAY
 MARY MASCHER
 CINDY WINCKLER

Rayhons of Hancock moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I will faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

Dwayne Alons	O. Gene Maddox
Richard Anderson	Mary Mascher
Richard Arnold	Mike May
Clel Baudler	Kevin McCarthy
Paul A. Bell	Dolores Mertz
Deborah L. Berry	Helen Miller
Carmine Boal	Patrick Murphy
Polly Bukta	Jo Oldson
Danny Carroll	Donovan Olson
Royd Chambers	Rick Olson
Dennis Cohoon	Steven Olson
Swati Dandekar	Kraig Paulsen
Mark Davitt	Janet Petersen
Betty De Boef	Dawn Pettengill
Bill Dix	Brian Quirk
Cecil Dolecheck	J. Scott Raecker
Jack Drake	Christopher Rants
George Eichhorn	Dan Rasmussen
Jeff Elgin	Henry Rayhons
Ed Fallon	Mike Reasoner
Ro Foege	Nathan Reichert
Wayne Ford	Rod Roberts
Mary Lou Freeman	Tom Sands
Marcella Frevert	Bill Schickel
Mary Gaskill	Tom Schueller
Chuck Gipp	Paul Shomshor
Polly Granzow	Don Shultz
Sandra Greiner	Mark Smith
Dave Heaton	Chuck Soderberg
Lisa Heddens	Doug Struyk
Clarence Hoffman	Kurt Swaim
Rob Hogg	Dick Taylor
Lance Horbach	Todd Taylor
Bruce Hunter	Roger Thomas
Dan Huseman	David Tjepkes
Geri Huser	Walt Tomenga
Joe Hutter	Jodi Tymeson
Libby Jacobs	Linda Upmeyer

Dave Jacoby
 Willard Jenkins
 Pam Jochum
 Gerald Jones
 Jeff Kaufmann
 Bob Kressig
 Mark Kuhn
 James Kurtenbach
 David Lalk
 Vicki Lensing
 Steven Lukan
 Jim Lykam

Jim Van Engelenhoven
 Jamie Van Fossen
 Jim Van Fossen
 Ralph Watts
 Roger Wendt
 Beth Wessel-Kroeschell
 John Whitaker
 Wesley Whitead
 Paul Wilderdyke
 Cindy Winckler
 Phil Wise
 Ray Zirkelbach

ELECTION OF SPEAKER

Sands of Louisa presented the name of the Honorable Christopher Rants as candidate for Speaker of the House of Representatives of the Eighty-first General Assembly, preceding such nomination with the following remarks:

The occasion of opening day of the Eighty-first General Assembly of the Iowa House of Representatives it is truly an honor to rise and nominate the Honorable Christopher Rants of Woodbury County as the Speaker of the House. Representative Rants is a man of sharp intellect and tireless hard work balanced with impeccable integrity. He is a leader who possesses a vision for the State of Iowa with abundant opportunities for the children of every Iowan. Including his own daughters Grace and Kait, who are with us here today. He is a man who honors his wife and has undoubtedly made his parents very proud even before he was first elected. So, Representative Rants, as I move this nomination, I want to share with you the words of the late President Ronald Regan who said "The challenge of statesmanship is to have the vision to dream of a better, safer world and the courage, the persistence, and the patience to turn that dream into a reality. Madam Speaker, I nominate Representative Rants as the Speaker of the House.

Schickel of Cerro Gordo seconded the nomination of Christopher Rants for Speaker of the House, preceded by the following remarks:

Madam Speaker, Ladies and Gentlemen of the House:

On the occasion of the opening day of the 81st General Assembly of the Iowa House of Representatives, a day of hope and optimism, it's truly an honor to talk with you about a leader with a passion for his work and a love of the people in this great hall.

He shares with us a vision of abundant opportunity for all Iowan's; including his wife, Trudy, and daughters, Kait and Grace, who are with us today.

Perhaps most importantly, he pledges to bring us together to make that vision a reality.

It is, therefore, indeed an honor to second the nomination of Representative Christopher Rants as Speaker of the Iowa House of Representatives.

Murphy of Dubuque seconded the nomination of Christopher Rants for Speaker of the House, preceded by the following remarks:

Madam Speaker, Ladies and Gentlemen of the House:

I would like to second the nomination of Representative Christopher Rants for Speaker of the House for the Eighty-first General Assembly.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Christopher Rants as Speaker of the House of Representatives of the Eighty-first General Assembly. The Honorable Christopher Rants of Woodbury County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Eighty-first General Assembly, was declared duly elected to that office.

Sands of Louisa moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was appointed: Sands of Louisa and Murphy of Dubuque.

PRESENTATION OF SPEAKER

The Honorable Christopher Rants was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Jacobs presented Speaker Rants with the gavel and congratulated him on his unanimous election.

Speaker Rants thanked the House for the honor bestowed upon him and offered the following remarks:

Ladies and gentlemen, thank you for the high honor you have bestowed on me. Serving as your Speaker these past two years has been one of the most rewarding experiences of my life. No doubt the next two will be their equal, both in challenges and opportunities. I will do my very best to honor the trust you have placed in me.

Theodore Roosevelt once said, "Far and away the best prize that life offers is the chance to work hard at work worth doing."

If you believe that axiom, and I do, then your election to this House is truly such a prize. The work required of each of us this session will tax us unlike previous assemblies. We will have to work harder, and perhaps longer each day.

The work will be harder, in part because while many of the challenges remain the same, the solutions are becoming harder to find. To find those answers we must be more creative, more innovative, and more willing to take a risk to ensure the results Iowans expect.

No problem is more demonstrative of this need than our Medicaid budget. Two years ago on opening day I said that if left unchecked our Medicaid spending on an annual basis would outpace that for K-12 education, and it has done so. Now we face the prospect that if left unchecked next year combined federal & state spending on Medicaid in total will eclipse what we provide our local school districts in basic support.

Yet as Roosevelt said, this is hard work worth doing. Our ability to honor our financial commitment to education is being tested by the demands being made on our budget by Medicaid and collective bargaining. Fourteen years ago K-12 education was taken off of an automatic formula, yet efforts to establish more control over the costs of Medicaid and state employee salary packages have been resisted. Thus education has slowly seen its position erode.

It is time for that to end. But doing so will require very hard work and ending with very hard choices. Education cannot be supported by mere words alone. For education to be a number one priority, that means something else must be second, or third, or one hundred and third. Each of us in this General Assembly will be given the opportunity to make that choice. And it will be a choice. We cannot spend the same dollar twice, once on Medicaid and once on education; or once on a salary package and once on education. Given that choice, I hope we will all choose education.

For his part, the Governor has embarked on a new budgeting process called "purchasing of results." It was tried in Washington state, and by most accounts was successful in helping the executive and legislative branches prioritize spending. I believe we should embrace this concept, and do our best to make it work here in Iowa as well. Such a budget process should help us make clear our choices about what we value in our state budget, and what must be lesser priorities.

Hard work on our economy is demanded of us as well. Many parts of Iowa are growing – we see that in our tax receipts. But other areas lag behind. There are still too many obstacles for the entrepreneurs of our state to start their own business. Our border communities are still experiencing an exodus of taxpayers to neighboring states. It is here that we must be more innovative and willing to take risks.

For example, Representative Hoffman has been studying the method that Arkansas used to stem the tide of businesses and people moving to Texas. They allowed the citizens on the Arkansas side of Texarkana to pay an income tax rate equal to what the Texans were paying; but to keep the Arkansas state treasury whole, the community came up with another form of taxation. It was good for the taxpayers, and it was good for the state.

Such innovative concepts should not be shunned because they are too hard to tackle – it is exactly because they are seeking to solve such a challenging problem that this hard work is worth doing. Our taxpayers deserve no less.

Neither do our taxpayers deserve to have their taxes raised. Perhaps this is the first place where we can strike a bi-partisan accord on which to build the rest of the session. I've paid very close attention to what you, Representative Murphy, and Senator Gronstal have said since the election. I've heard that Democrats are skeptical of any proposal to raise taxes. Let me assure you that House Republicans are as well.

Many have said that the nature of the partisan divide in the House and Senate will result in many issues not even being on the table for discussion. Lets us begin then Rep. Murphy, by you and I, as well as Senators Gronstal and Iverson, joining together today to take the idea of a tax increase off the table.

I'll close with this final thought and promise. Often much is made of what makes us different, and the most visible sign of that is our partisan label. Not enough is said about what makes us the same. We all share a love of this state, a desire to create a better opportunity for our children. We all bring a certain passion to this place. We all start the session setting goals for ourselves. One of my personal goals is to get to know each of you better than I do today. Theodore Roosevelt gave more advice than to just carry a big stick. He also said "The most important single ingredient in the formula of success is knowing how to get along with people." That takes knowing what drives you, what your passions are, and why you choose to run for office. That is my goal because, like you, I want a successful session.

I hope you will give me that opportunity, just as you've given me the opportunity to serve as your Speaker. I will be just as grateful. We have an opportunity to start this morning, if you and your family would join us for a welcome back reception in the Speaker's office after we recess.

In the meantime, we have work, worth doing. Thank you.

PERMANENT CHIEF CLERK

Roberts of Carroll moved that Margaret A. Thomson be elected permanent Chief Clerk of the House.

The motion prevailed and Margaret A. Thomson was declared elected permanent Chief Clerk.

COMMITTEE TO NOTIFY THE GOVERNOR

Struyk of Pottawattamie moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communications that he may desire to transmit.

The motion prevailed and the following committee was appointed: Struyk of Pottawattamie, Tomenga of Polk and Schueller of Jackson.

COMMITTEE TO NOTIFY THE SENATE

Jones of Mills moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communications that the Senate may desire to transmit.

The motion prevailed and the following committee was appointed: Jones of Mills, De Boef of Keokuk and Kressig of Black Hawk.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 1
- 2 By Rants and Murphy
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2005 session of the Eightieth-First General
- 6 Assembly be held on Tuesday, January 11, 2005, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Governor Thomas J.
- 9 Vilsack be invited to deliver his budget message at
- 10 this joint convention of the two houses of the General
- 11 Assembly, and that the Speaker of the House of
- 12 Representatives and the President of the Senate be
- 13 designated to extend the invitation to him.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 2
- 2 By Rants and Murphy
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 2005 session of the Eightieth-First General

6 Assembly be held on Wednesday, January 12, 2005, at
7 10:00 a.m.; and
8 *Be It Further Resolved*, That Chief Justice Lavorato
9 be invited to present his message of the condition of
10 the judicial branch at this convention, and recommend
11 such matters as the Chief Justice deems expedient,
12 pursuant to section 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolutions 1 and 2** be immediately messaged to the Senate.

ELECTION OF SPEAKER PRO TEMPORE

Dix of Butler placed in nomination the Honorable Danny Carroll as candidate for Speaker pro tempore of the House of Representatives of the Eighty-first General Assembly, preceding his nomination with the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House and distinguished guests.

To be an effective leader, we all know that it requires a hard working ethic, honesty, and perhaps above all, persistency in the effort to ensure that this legislative body achieves results consistent with our public's expectations.

Danny Carroll has demonstrated through his actions and his service to our state that he, in fact, is up to the challenge this post requires. I nominate Danny Carroll today knowing complete confidence that he will work with each of us, resting only after our work is complete.

Colleagues, I also know that no one within this chamber is more interested in adopting legislation consistent with the overall public good than my good friend Danny Carroll.

Please join me today in supporting Danny Carroll for Speaker pro tempore.

Tymeson of Madison seconded the nomination of Representative Carroll as Speaker pro tempore for the House of Representatives, preceding his nomination with the following remarks:

Thank you, Mr. Speaker.

Mr. Speaker, Ladies and Gentlemen of the House.

I wish to second the nomination of Danny Carroll of Poweshiek County for the office of Speaker pro tempore.

During my four years of service in the Iowa House, I have admired Representative Carroll's ability to tackle difficult issues. He is a role model as a legislator.

More importantly, Danny Carroll is a thoughtful and respectful man who cares deeply about the people of Iowa and he works hard to make this state a better place for all.

Because of his commitment to the people of Iowa and his dedication to make Iowa the best place to be, it is my pleasure to second the nomination of Representative Danny Carroll to the office of Speaker Pro Tempore.

Thank you Mr. Speaker.

Frevert of Palo Alto seconded the nomination of Representative Carroll, preceding her nomination with the following remarks:

Thank you, Mr. Speaker. Good morning, colleagues of the House.

It is an honor and a pleasure for me to second the nomination of my colleague from across the aisle, the distinguished gentleman from Poweshiek, to be Speaker pro tempore of the Iowa House of Representative, Representative Danny Carroll.

It has been said, that being forewarned is being forearmed, so I take this opportunity to mention to our less tenured colleagues, that when Representative Carroll, with all due hesitation, begins speaking by saying, "Now let me be sure I understand this correctly, because I am a simple country pumpkin farmer from Grinnell", believe me, you want to expect the \$64,000 question!

However, Representative Carroll, we want you to know that we appreciate the hard work and dedication you give to those issues you delve into. We appreciate the communication that is forthcoming on important policy issues that should be, and are bipartisan and we look forward to working with you and your colleagues as we embark on a new session! It is in that spirit that I am honored to second Danny Carroll's nomination to be Speaker pro tempore for the 81st General Assembly.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Danny Carroll as Speaker pro tempore of the House of Representatives of the Eighty-first General Assembly. The Honorable Danny Carroll of Poweshiek County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Eighty-first General Assembly, was declared duly elected to that office.

Dix of Butler moved that a committee of two be appointed to escort the Speaker pro tempore to the chair.

The motion prevailed and the following committee was appointed: Dix of Butler and Frevert of Palo Alto.

Representative Carroll was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Good morning Mr. Speaker, ladies and gentleman of the 81st General Assembly, family and guests. And a special welcome to the new members of the Iowa House of Representatives, we are pleased to have you here and we look forward to getting better acquainted in the coming weeks and months.

Thank you Representatives Dix, Tymeson and Frevert for your kind words of nomination.

I am especially honored to have my daughter, Joni, working in the chamber this year as Representative Betty De Boef's clerk.)

Beginning now my sixth General Assembly I have come to recognize how very challenging the work here in the legislature is. People will ask; it is going to be a hard session? It seems that every session is difficult although the problems may change but the solutions are never easy.

We find ourselves in a state whose population is not growing. Those same schools are finding it more and more difficult to attract and retain experienced teachers. The social problems faced by many students are even more daunting.

The revenue projection for the state treasury is better than it has been for several years but the built-in expenditures make those projections seem almost insignificant. For example, this legislature could pass a Medicaid bill today and spend the entire projected revenue increase for the next fiscal year. That, of course, leaves K-12 education, higher education, corrections, public defense and other programs important to our constituents empty handed. Think about the magnitude of what I just said. **Fixing Medicaid breaks every other promise.**

Even political campaigns have become more and more depressing. The tone and content of many campaigns has become a total embarrassment to the benevolent people we serve. The threat of political sabotage in the next election has made it almost impossible for the legislators to attempt real solutions to many of the problems I have outlined.

It would be very easy to get depressed and give up. But that is not Iowa! The people that have occupied this chamber in generations before us have faced much worse. Our problems pale in comparison to those faced by Iowa during the Great Depression and the wars fought of the last century. Though our circumstances seem so bad now... most generations would happily change places with us.

We have much to be thankful for. Our farmers have seen impressive crop yields and prices the past couple of years. Business and industry has rebounded from the recent recession and revenue to the state is almost 7% above this time one year ago.

Our children continue to do very well in school with world-class scores on the ACT and SAT exams. They are as comfortable with a laptop computer as our parents were with a pencil and paper just a generation ago. Enrollment in community colleges, private colleges and universities is at an all time high. Computer technology and access to high speed internet service is expanding throughout Iowa with over 120 small Iowa towns receiving that new technology for the first time last year.

So, you see our problems are only eclipsed by the many blessings and benefits that we know as life in Iowa. The strength of Iowa remains her people, our constituents; those hard working men and women that become living examples of hard work, discipline and respect.

In her book Iowa The Middle Land, Dorothy Schwieder observes:

“Iowa has never been known as a state of excess; People here traditionally have not known great wealth, nor have they known great poverty. Iowans place considerable value on family and family activities; they are proud of their communities, both large and small. There is a sense of rootedness in the state that implies stability, permanence and continuity; there is also a sense of centeredness that connotes balance in both perspective and behavior.”

As we begin the 81st General Assembly of the great state of Iowa let us with God's help dedicate ourselves to the work before us with firm allegiance to those virtues of respect for family and community.

Thank you, it is time to get to work!

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Jones of Mills, Chair of the committee appointed to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Struyk of Pottawattamie, Chair of the committee appointed to notify the Governor that the House was duly organized and ready to receive any communication that he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

SPECIAL ORDER

Gipp of Winneshiek moved that the assignment of seats to the members of the House be made a special order for this afternoon at 1:30 p.m., which motion prevailed.

The motion prevailed.

ADOPTION OF HOUSE RESOLUTION 1

Roberts of Carroll asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1. House Resolution 1
2. By Roberts
3. *Be It Resolved By The House Of Representatives,*
4. That each member of the House of Representatives shall
5. be entitled to select and appoint a secretary, and
6. such secretary may be called upon to aid in the
7. discharge of the clerical work of the House of
8. Representatives . Only expert typists will be
9. considered qualified. The Speaker and Chief Clerk
- 10 shall appoint their secretaries and pages to serve for
- 11 the session, and the Chief Clerk is hereby authorized
- 12 to employ such additional clerical assistance as her
- 13 duties may require.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 2

Roberts of Carroll asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

1. House Resolution 2
2. By Roberts
3. *Be It Resolved By The House Of Representatives,*
4. That a committee of one be appointed to arrange for
5. opening the sessions with prayer.

The motion prevailed and the resolution was adopted.

COMMITTEE ON MILEAGE

Van Engelenhoven of Marion moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Van Engelenhoven of Marion, Freeman of Buena Vista and Foege of Linn.

ADOPTION OF TEMPORARY RULES OF THE HOUSE

Roberts of Carroll moved that the permanent rules of the House and provisions for compensation of employees adopted by the Eightieth General Assembly be the temporary rules and temporary compensation provisions for the House of the Eighty-first General Assembly.

The motion prevailed.

REMARKS BY MINORITY LEADER

Murphy of Dubuque addressed the House as follows:

Thank you, Mr. Speaker. Ladies and gentlemen of the House.

First of all, thanks to the Democratic caucus for re-electing me as your leader. Not only is it an honor, but its something I really enjoy... most of the time.

Welcome to the 12 legislators who are here today for the first time. You sure picked an interesting year to get elected to the Legislature. I think everyone is waiting to see how this session develops given the close margins in the House and Senate, and you will be a part of it. Best of luck to each of you.

We enter this session with some pretty familiar issues facing us.

Jobs – If we want to stop the brain drain of college graduates to other states, we have to create some momentum for topflight jobs. The Iowa Values Fund was doing that, providing a strategic focus to Iowa's economic development efforts by nurturing jobs in fields like the life sciences, advanced manufacturing, and information technology. But this Legislature blew it last fall when some of you voted to pull the plug on the Values Fund. We need to reinstate it this year and fully and permanently fund it. Let's go back to the plan the House passed in 2003 with overwhelming bipartisan support and cooperation.

Taxes – Gov. Vilsack has proposed a major overhaul of state income taxes. Local officials have offered a reformed property tax system. Democrats will offer and support tax changes that result in progressive and competitive rates for Iowans, as well as changes that simplify the system to make it more understandable to the average taxpayer.

Education – When it comes to public schools, legislators seem to get hung up on numbers. 3%, 4%, 6%. I think sometimes we can't see past the numbers to what we want our funding to accomplish. If teachers are being laid off, if programs are being cut, if class sizes are increasing, if test scores are declining, then the Legislature is not doing its job. If rural kids are not receiving an education that's on a par with suburban kids, we're not doing the job. We need to really evaluate Iowa's public schools, decide what they need to succeed, and then our funding decisions will be obvious.

Health care – Medicaid is one of the largest budget decisions we have to make. Last year the Legislature intentionally short-funded the program to make the budget appear balanced. Now the chickens have come home to roost. There are plenty of options, but not many pleasant ones. Just remember this – put a face to our Medicaid dilemma, whether that face is your mother's or your grandpa's or your next door neighbor's, because those are the people who rely on our help. Then act with the compassion you would show to those close to you.

While the issues may be similar to the last few years, the political landscape has changed dramatically. But most importantly, the Senate is now equally divided. That means that no partisan legislation will be passed by this General Assembly in the next two years. No partisan legislation. Only those bills that Senate Democrats and Republicans can agree on, only those bills that Democrats and Republicans work on together, will become law. Like it or not, last fall's election has forced bipartisanship on the Senate and there's no changing it.

The real question today, Mr. Speaker, is how will it change the House? Republicans now hold the slimmest majority possible, 51-49. Will your new majority, Mr. Speaker, continue to make your decisions in caucus, lock up those 51 votes, and exclude Democrats from any meaningful participation in the process? Or will your new majority embrace this new spirit of bipartisanship, make cooperative decisions in committees and share responsibility for the outcome of this session with Democrats? That choice is yours, Mr. Speaker.

Clearly, Democrats want to be part of the solution. We understand that neither party has a monopoly on good ideas. We also realize that there is no better time than now, given the realities of a bipartisan Senate, for us to put our heads together to craft a better future for the state. But the decision about how much we participate isn't ours; it's yours. You still control the show here in the House. We urge you to adopt a policy of inclusion, and if you do it we will accept our responsibility to put partisanship aside.

You can begin by reversing the unfairness of this year's committee assignments. Democrats have been shortchanged on committees. Republicans have 51% of the House members, but 57% of the seats on House committees. Republicans have two more members in this body than Democrats, but three more members on every committee. Committee apportionment is supposed to reflect the partisan ratio in the House. We have a long history of adhering to that principle. But it is being violated this year.

Why is this issue important? Because Democrats are being denied an equal opportunity to represent their districts. Other than the leaders, every Republican has three standing committee assignments, 23 have four committees, and two have five standing committees. By contrast, I have 12 members who get only 2 standing committees; no Democrat has more than 3. Democrats do not expect committees to be 50-50. Republicans are the majority. But if committees were apportioned fairly so that Republicans had a one-vote majority on every committee, then every member would have similar assignments and similar abilities to represent their constituents.

By stacking the committees, you send the message that you intend to pass bills out of committees without Democratic support, that you need an extra Republican vote to ensure that Democrats don't have to be relied on to vote for any bill. But what sense does that make? If you pass a truly partisan bill this year, it's going nowhere in the Senate. It has no chance to become law. So it's not important to have extra votes on every committee. Instead, why not work with Democrats in committee to pass something the Senate can accept?

There was a lot of talk during the campaign of putting principles ahead of politics. Well, colleagues, here is your chance to do it. Change the committee assignments. Make them fair. Make the parties work together. We've done good work together before – ask Clarence Hoffman. The Iowa Values bill of 2003 was a model of cooperation. We were proud that the House plan – not the Republican plan or the Democratic plan, but the House plan – was the template for that important legislation. We can do it again.

And Mr. Speaker, cooperation does not mean calling on the Governor to supply Democratic votes for bills. That's not how it works. House Democrats need to be included in deliberations from day one. If that happens, the Democratic votes will be there.

If there's gridlock this year, Mr. Speaker, it's because your new majority continues to ram home legislation without Democratic support. If there's success, it will be because your new majority worked cooperatively toward mutual goals that the bipartisan Senate can accept.

We look forward to shouldering our share of the burdens this year if we are given our share of the opportunities.

COMMITTEE FROM SENATE

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

REMARKS BY MAJORITY LEADER

Gipp of Winneshiek addressed the House as follows:

Thank You, Mr. Speaker! Mr. Speaker, Ladies and Gentlemen of the House. I will be brief!

Let me begin by welcoming our new members. Welcome to the General Assembly. We look forward to working with you. And to our veteran legislators I say welcome to the first session of the 81st General Assembly. I hope that you were able to find some time to relax after November 2nd.

I would also like to say thank you to the families of our legislators. Over the course of the next three months your loved ones will be asked to spend many hours away from home. For that sacrifice, I thank you.

Each session brings new challenges -- and new opportunities. Today, as we begin the 1st Regular Session of the 81st General Assembly, our chamber has 51 Republicans and 49 Democrats. The Senate is evenly split with 25 Republicans and 25 Democrats. Many observers feel that this General Assembly will accomplish little more than balancing the budget and passing a few unimportant pieces of legislation.

They underestimate our resolve. We know there is important work to be done. Indifference, or not caring about the lives of our fellow human beings is not a characteristic that is present in any of you. Although not allowing oneself to be distracted by the worries of our neighbors is an attractive idea, it is not Iowan. Every one of you ran for the Iowa legislature because you care. You care about your fellow Iowans and you care about the Iowans that will live here long after you are gone. There is a great deal that Democrats and Republicans can agree upon. Like the citizens who sent us here, we want our children to be safer, better educated, and healthier than we are. We want to create jobs and provide affordable health care. In addition, we want to preserve the natural beauty that is uniquely Iowa.

Certainly we will have our differences. I expect that like any year, there will be many spirited debates in committee and on this House floor. At the same time, we must not lose sight of the fact that all members of this chamber have at least two things in common ... we all dearly love this great state we call Iowa and we all believe that we can make this state a better place in which to live.

This means the following:

We must be competitive with other states in our tax structure;

We must not discourage investment in our communities;

We must improve our regulatory climate while preserving our environment;

We must provide job training and retraining opportunities so qualified workers are ready to fill new positions;

We must offer a first class educational system so that our young people are prepared to enter the work force; and

We must ensure that our families can grow up in safe neighborhoods.

I am optimistic that we can put aside any leftover feelings we might harbor over the elections. It is time to move forward. The citizens of this state gave us a job to do. We need to roll up our sleeves and do the job.

Thank you Mr. Speaker.

INTRODUCTION OF BILLS

House File 1, by Tymeson and Chambers, 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 **education**.

House File 2, by J. K. Van Fossen, a bill for an act relating to the phaseout of state income tax on pension income and providing a retroactive applicability date.

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

House File 3, by Elgin, a bill for an act relating to activities of licensed private investigation businesses in regard to abandoned property.

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

House File 4, by Jacobs, Elgin, and Raecker, a bill for an act relating to electronic filing of all statements and reports by a candidate's committee of a candidate for statewide office or the general assembly.

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

House File 5, by Reasoner, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

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

House File 6, by Wise, a bill for an act relating to a leave of absence from regular employment for a person elected to municipal or county office and providing an effective date.

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

House File 7, by Hutter, a bill for an act relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

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

House File 8, by Whitead, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

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

House File 9, by Hutter, a bill for an act requiring the use of certain vehicle lights when a vehicle's windshield wipers are in use and making a penalty applicable.

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

House File 10, by Whitead, a bill for an act relating to the exemption from city taxes of land included in a city's involuntary annexation petition and including effective and applicability date provisions.

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

House File 11, by Huser, a bill for an act relating to publication of certain notices in small cities.

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

House File 12, by Huser and Petersen, a bill for an act relating to the reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

House File 13, by Tymeson, a bill for an act providing an individual income tax credit for certain teacher expenses and including a retroactive applicability date provision.

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

House File 14, by Huser, a bill for an act increasing monetary limits relating to social gambling.

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

House File 15, by Arnold, a bill for an act providing an exception to municipal tort liability for all-terrain vehicling.

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

House File 16, by Reasoner, a bill for an act requiring the natural resource commission to increase the number of nonresident turkey and deer hunting licenses issued and requiring preparation of deer population management plans by certain persons.

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

House File 17, by Schickel, a bill for an act providing that certain meetings of members of the legislature are subject to open meeting requirements.

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

House File 18, by Kuhn and Frevert, a bill for an act relating to a tax credit for pollution-control and recycling property connected to property used for the care and feeding of livestock, and providing for the Act's applicability.

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

House File 19, by Kuhn and Whitaker, a bill for an act changing the amounts of appropriations available for the agricultural land credit fund and the family farm tax credit fund and including effective and applicability date provisions.

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

House File 20, by Huser and Petersen, a bill for an act relating to the amount of the personal needs allowance for residents of nursing facilities under the medical assistance program.

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

House File 21, by Wise and Petersen, a bill for an act relating to joint exercise of governmental powers and related county enterprise authority.

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

House File 22, by Huser and Petersen, a bill for an act relating to establishing standardized requirements for long-term care insurance policies.

Read first time and referred to committee on **commerce, regulation and labor**.

RULE 57 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda, for a meeting of the committee on administration and rules today.

On motion by Gipp of Winneshiek, the House was recessed at 11:20 a.m., until 1:30 p.m.

AFTERNOON SESSION

The House reconvened at 1:53 p.m., Speaker Rants in the chair.

STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

ADMINISTRATION AND RULES – 14 Members

Roberts, Chair	Dolecheck	Miller	Reasoner
Boal*	Gipp	Murphy	Whitaker
Bukta**	Heddens	Olson, S.	
Carroll	Jacobs	Rants	

AGRICULTURE – 21 Members

Drake, Chair	De Boef	Kaufmann	Swaim
Lalk*	Dolecheck	Kuhn	Struyk
Mertz**	Frevert	Miller	Thomas
Alons	Greiner	Olson, S.	Whitaker
Baudler	Huseman	Rayhons	Zirkelbach
Davitt			

APPROPRIATIONS – 25 Members

Dix, Chair	De Boef	Lukan	Reichert
Watts*	Heaton	Mascher	Roberts
Kuhn**	Horbach	May	Sands
Alons	Huseman	Mertz	Smith
Bell	Jacobs	Miller	Thomas
Chambers	Jenkins	Petersen	Zirkelbach
Dandekar			

COMMERCE, REGULATION AND LABOR – 23 Members

Jenkins, Chair	Horbach	Pettengill	Taylor, T.
Struyk*	Jacobs	Quirk	Tomenga
Petersen**	Jacoby	Sands	Watts
Dix	Kressig	Shomshor	Wilderdike
Freeman	May	Soderberg	Wise
Hoffman	Oldson	Taylor, D.	

ECONOMIC GROWTH – 21 Members

Hoffman, Chair	Granzow	Miller	Schueller
Soderberg*	Jenkins	Olson, D.	Struyk
Thomas**	Lalk	Olson, S.	Wilderdike
Anderson	Lukan	Reichert	Wise
Dandekar	May	Schickel	Zirkelbach
Fallon			

EDUCATION – 23 Members

Tymeson, Chair	Chambers	Hogg	Schickel
Kaufmann*	Cohon	Mascher	Soderberg
Wendt**	Dolecheck	Oldson	Tomenga
Boal	Foege	Paulsen	Winckler
Bukta	Ford	Raecker	Wise
Carroll	Granzow	Roberts	

ENVIRONMENTAL PROTECTION – 21 Members

Greiner, Chair	Fallon	Kressig	Olson, S.
Anderson*	Gaskill	Kuhn	Pettengill
Shoultz**	Heddens	Kurtenbach	Van Fossen, JK
De Boef	Horbach	Maddox	Watts
Dix	Huseman	Olson, D.	Wessel-Kroeschell
Drake			

ETHICS – 6 Members

Raecker, Chair	Mascher**	McCarthy	Tymeson
Huseman*	Cohon		

GOVERNMENT OVERSIGHT – 9 Members

Alons, Chair	Baudler	Raecker	Whitead
Hutter*	Eichhorn	Thomas	Winckler
Lensing**			

HUMAN RESOURCES – 21 Members

Upmeyer, Chair	Ford	Hunter	Petersen
Wilderdye*	Freeman	Hutter	Roberts
Smith**	Granzow	Jacoby	Tomenga
Berry	Heaton	Kurtenbach	Tymeson
Carroll	Heddens	Lukan	Wendt
Foege			

JUDICIARY – 21 Members

Paulsen, Chair	Boal	Hutter	Smith
Maddox*	Carroll	Jochum	Tymeson
Swaim**	Eichhorn	Kaufmann	Van Fossen, JR
Alons	Foege	Lensing	Wessel-Kroeschell
Anderson	Heaton	Olson, R.	Winckler
Berry			

LOCAL GOVERNMENT – 21 Members

Van Engelenhoven, Chair	Fallon	Maddox	Tjepkes
Schickel*	Hoffman	Olson, D.	Van Fossen, JK
Gaskill**	Huser	Pettengill	Watts
Arnold	Jones	Rasmussen	Wessel-Kroeschell
Boal	Kressig	Schueller	Whitead
Elgin			

NATURAL RESOURCES – 21 Members

Freeman, Chair	Frevert	Rayhons	Van Engelenhoven
May*	Lukan	Reichert	Van Fossen, JR
Bell**	Lykam	Taylor, D.	Whitaker
Arnold	Olson, R.	Tjepkes	Whitead
Baudler	Rasmussen	Upmeyer	Wilderdye
Davitt			

PUBLIC SAFETY – 21 Members

Baudler, Chair	Chambers	Horbach	Reasoner
Van Fossen, J.R.*	De Boef	Hunter	Sands
McCarthy**	Dolecheck	Lykam	Shultz
Alons	Eichhorn	Olson, R.	Tjepkes
Bell	Heddens	Rayhons	Van Engelenhoven
Berry			

STATE GOVERNMENT – 21 Members

Elgin, Chair	Ford	Jochum	Roberts
Tomenga*	Gaskill	Jones	Taylor, T.
Quirk**	Greiner	Lensing	Upmeyer
Boal	Hutter	Paulsen	Wendt
Bukta	Jacobs	Raecker	Whitead
Drake			

TRANSPORTATION – 21 Members

Arnolds, Chair	Elgin	McCarthy	Reasoner
Rayhons*	Hunter	Mertz	Schickel
Huser**	Huseman	Olson, S.	Tjepkes
Bukta	Jones	Raecker	Van Fossen, JK
Cohoon	Lykam	Rasmussen	Whitaker
Dolecheck			

WAYS AND MEANS – 25 Members

Van Fossen, J.K., Chair	Eichhorn	Lalk	Shoultz
Kurtenbach*	Frevert	McCarthy	Struyk
Shomshor**	Hogg	Paulsen	Tomenga
Boal	Huser	Reasoner	Tymeson
Carroll	Jochum	Soderberg	Upmeyer
Davitt	Kaufmann	Schueller	Winckler
Drake			

HOUSE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION – 9 Members

Sands, Chair	Elgin	Lykam	Struyk
Watts*	Lalk	Pettengill	Taylor, D.
Hunter**			

AGRICULTURE AND NATURAL RESOURCES – 9 Members

De Boef, Chair	Anderson	Drake	Mertz
Rasmussen*	Bell	Greiner	Schueller
Olson, D.**			

ECONOMIC DEVELOPMENT – 9 Members

Lukan, Chair	Freeman	Hogg	Kressig
Schickel*	Hoffman	Jacoby	Soderberg
Dandekar**			

EDUCATION – 9 Members

Chambers, Chair	Davitt	Jenkins	Tymeson
May*	Frevert	Kaufmann	Wessel-Kroeschell
Oldson**			

HEALTH AND HUMAN SERVICES – 9 Members

Heaton, Chair	Berry	Mascher	Upmeyer
Granzow*	Kurtenbach	Smith	Wilderdyke
Foege**			

JUSTICE SYSTEMS – 9 Members

Horbach, Chair	Maddox	Paulsen	Van Fossen, JR
Tjepkes.*	Olson, R.	Swaim	Zirkelbach
Taylor, T.**			

TRANSPORTATION, INFRASTRUCTURE AND CAPITALS – 9 Members

Huseman, Chair	Arnold	Rayhons	Shomshor
Jones*	Quirk	Reichert	Van Engelenhoven
Cphoon**			

* Vice Chair

** Ranking Member

HOUSE COMMITTEE ASSIGNMENTS

Dwayne Alons	Agriculture Appropriations Government Oversight, Chair Judiciary Public Safety
Rich Anderson	Economic Growth Environmental Protection, Vice Chair Judiciary Agriculture and Natural Resources Appropriations Subcommittee
Richard Arnold	Local Government Natural Resources Transportation, Chair Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Ciel Baudler	Agriculture Government Oversight Natural Resources Public Safety, Chair
Paul Bell	Appropriations Natural Resources, Ranking Member Public Safety Agriculture and Natural Resources, Appropriations Subcommittee

Deborah Berry	Human Resources Judiciary Public Safety Health and Human Services Appropriations Subcommittee
Carmine Boal	Administration and Rules, Vice Chair Education Judiciary Local Government State Government Ways and Means
Polly Bukta	Administration and Rules, Ranking Member Education State Government Transportation
Danny Carroll	Administration and Rules Education Human Resources Judiciary Ways and Means
Royd Chambers	Appropriations Education Public Safety Education Appropriations Subcommittee, Chair
Dennis Cohoon	Education Ethics Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Ranking Member
Swati Dandekar	Appropriations Economic Growth Economic Development, Appropriations Subcommittee, Ranking Member
Mark Davitt	Agriculture Natural Resources Ways and Means Education, Appropriations Subcommittee
Betty De Boef	Agriculture Appropriations Environmental Protection Public Safety Agriculture and Natural Resources, Appropriations Subcommittee, Chair

Bill Dix	Appropriations, Chair Commerce Regulation and Labor Environmental Protection
Cecil Dolecheck	Administration and Rules Agriculture Education Public Safety Transportation
Jack Drake	Agriculture, Chair Environmental Protection State Government Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
George Eichhorn	Government Oversight Judiciary Public Safety Ways and Means
Jeff Elgin	Local Government State Government, Chair Transportation Administration and Regulation Appropriations Subcommittee
Ed Fallon	Economic Growth Environmental Protection Local Government
Ro Foegen	Education Human Resources Judiciary Health and Human Services Appropriations, Subcommittee, Ranking Member
Wayne Ford	Education Human Resources State Government
Mary Lou Freeman	Commerce and Regulation and Labor Human Resources Natural Resources, Chair Economic Development, Appropriations Subcommittee
Marcella Frevert	Agriculture Natural Resources Ways and Means Education, Appropriations Subcommittee

Mary Gaskill	Environmental Protection Local Government, Ranking Member State Government
Chuck Gipp	Administration and Rules
Polly Granzow	Economic Growth Education Human Resources Health and Human Services, Appropriations Subcommittee, Vice Chair
Sandy Greiner	Agriculture Environmental Protection, Chair State Government Agriculture and Natural Resources Appropriations Subcommittee
Dave Heaton	Appropriations Human Resources Judiciary Health and Human Services Appropriations Subcommittee, Chair
Lisa Heddens	Administration and Rules Environmental Protection Human Resources Public Safety
Clarence Hoffman	Commerce, Regulation and Labor Economic Growth, Chair Local Government Economic Development, Appropriations Subcommittee
Rob Hogg	Education Ways and Means Economic Development, Appropriations Subcommittee
Lance Horbach	Appropriations Commerce, Regulation and Labor Environmental Protection Public Safety Justice Systems Appropriations, Subcommittee, Chair
Bruce Hunter	Human Resources Public Safety Transportation Administration and Regulation Appropriations Subcommittee, Ranking Member

Danny Huseman	Agriculture Appropriations Environmental Protection Ethics, Vice Chair Transportation Transportation, Infrastructure and Capitals, Appropriations Subcommittee, Chair
Geri Huser	Local Government Transportation, Ranking Member Ways and Means
Joe Hutter	Government Oversight Human Resources Judiciary State Government
Libby Jacobs	Administration and Rules Appropriations Commerce, Regulation and Labor State Government
Dave Jacoby	Commerce, Regulation and Labor Human Resources Economic Development, Appropriations Subcommittee
Willard Jenkins	Appropriations Commerce Regulation and Labor, Chair Economic Growth Education Appropriations Subcommittee
Pam Jochum	Judiciary State Government Ways and Means
Gerald Jones	Local Government State Government Transportation Transportation, Infrastructure and Capitals Appropriations Subcommittee, Vice Chair
Jeff Kaufmann	Agriculture Education, Vice Chair Judiciary Ways and Means Education, Appropriations Subcommittee
Bob Kressig	Commerce, Regulation and Labor Environmental Protection Local Government Economic Development Appropriations Subcommittee

Mark Kuhn	Agriculture Appropriations, Ranking Member Environmental Protection
Jim Kurtenbach	Environmental Protection Human Resources Ways and Means, Vice Chair Health and Human Services, Appropriations Subcommittee
David Lalk	Agriculture, Vice Chair Economic Growth Ways and Means Administration and Regulation, Appropriations Subcommittee
Vicki Lensing	Government Oversight, Ranking Member Judiciary State Government
Steven Lukan	Appropriations Economic Growth Human Resources Natural Resources Economic Development Appropriations Subcommittee, Chair
Jim Lykam	Natural Resources Public Safety Transportation Administration and Regulation Appropriations Subcommittee
O. Gene Maddox	Environmental Protection Judiciary, Vice Chair Local Government Justice System, Appropriations Subcommittee
Mary Mascher	Appropriations Education Ethics, Ranking Member Health and Human Services, Appropriations Subcommittee
Mike May	Appropriations Commerce, Regulation and Labor Economic Growth Natural Resources, Vice Chair Education Appropriations Subcommittee, Vice Chair

Kevin McCarthy	Ethics Public Safety, Ranking Member Transportation Ways and Means
Dolores Mertz	Agriculture, Ranking Member Appropriations Transportation Agriculture and Natural Resources Appropriations Subcommittee
Helen Miller	Administration and Rules Agriculture Appropriations Economic Growth
Pat Murphy	Administration and Rules
Jo Oldson	Commerce, Regulation and Labor Education Education Appropriations Subcommittee, Ranking Member
Donovan Olson	Economic Growth Environmental Protection Local Government Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member
Rick Olson	Judiciary Natural Resources Public Safety Justice Systems Appropriations Subcommittee
Steven Olson	Administration and Rules Agriculture Economic Growth Environmental Protection Transportation
Kraig Paulsen	Education Judiciary, Chair State Government Ways and Means Justice Systems, Appropriations Subcommittee
Janet Petersen	Appropriations Commerce, Regulation & Labor, Ranking Member Human Resources

Dawn Pettengill	Commerce Regulation and Labor Environmental Protection Local Government Administration and Regulation, Appropriations Subcommittee
Brian Quirk	Commerce, Regulation and Labor State Government, Ranking Member Transportation, Infrastructure and Capitals, Appropriations Subcommittee
J. Scott Raecker	Education Ethics, Chair Government Oversight State Government Transportation
Christopher Rants	Administration and Rules
Dan Rasmussen	Local Government Natural Resources Transportation Agriculture and Natural Resources, Appropriation Subcommittee, Vice Chair
Henry Rayhons	Agriculture Natural Resources Public Safety Transportation, Vice Chair Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Mike Reasoner	Administration and Rules Public Safety Transportation Ways and Means
Nathan Reichert	Appropriations Economic Growth Natural Resources Transportation Infrastructure and Capitals, Appropriations Subcommittee
Rod Roberts	Administration and Rules, Chair Appropriations Education Human Resources State Government

Tom Sands	Appropriations Commerce, Regulation and Labor Public Safety Administration and Regulation Appropriations Subcommittee, Chair
Bill Schickel	Economic Growth Education Local Government, Vice Chair Transportation Economic Development, Appropriations Subcommittee, Vice Chair
Tom Schueller	Economic Growth Local Government Ways and Means Agriculture and Natural Resources, Appropriations Subcommittee
Paul Shomshor	Commerce Regulation and Labor Ways and Means, Ranking Member Transportation, Infrastructure and Capitals, Appropriations Subcommittee
Don Shultz	Environmental Protection, Ranking Member Public Safety Ways and Means
Mark Smith	Appropriations Human Resources, Ranking Member Judiciary Health and Human Services, Appropriations Subcommittee
Chuck Soderberg	Commerce Regulation and Labor Economic Growth Education Ways and Means Economic Development, Appropriations Subcommittee
Doug Struyk	Agriculture Commerce Regulation and Labor, Vice Chair Economic Growth Ways and Means Administration and Regulation Appropriations Subcommittee
Kurt Swaim	Agriculture Judiciary, Ranking Member Justice System, Appropriations Subcommittee

Dick Taylor	Commerce, Regulation and Labor Natural Resources Administration and Regulation, Appropriations Subcommittee
Todd Taylor	Commerce, Regulation and Labor State Government Justice Systems Appropriations Subcommittee, Ranking Member
Roger Thomas	Agriculture Appropriations Economic Growth, Ranking Member Government Oversight
Dave Tjepkes	Local Government Natural Resources Public Safety Transportation Justice Systems, Appropriations Subcommittee, Vice Chair
Walt Tomenga	Commerce Regulation and Labor Education Human Resources State Government, Vice Chair Ways and Means
Jodi Tymeson	Education, Chair Ethics Human Resources Judiciary Ways and Means Education, Appropriations Subcommittee
Linda Upmeyer	Human Resources, Chair Natural Resources State Government Ways and Means Human Services, Appropriations Subcommittee
Jim Van Engelenhoven	Local Government, Chair Natural Resources Public Safety Transportation, Appropriations Subcommittee
Jamie Van Fossen	Environmental Protection Local Government Transportation Ways and Means, Chair

Jim Van Fossen	Judiciary Natural Resources Public Safety, Vice Chair Justice System, Appropriations Subcommittee
Ralph Watts	Appropriations, Vice Chair Commerce Regulation and Labor Environmental Protection Local Government Administration and Regulation, Appropriations Subcommittee, Vice Chair
Roger Wendt	Education, Ranking Member Human Resources State Government
Beth Wessel-Kroeschell	Environmental Protection Judiciary Local Government Education, Appropriations Subcommittee
John Whitaker	Administration and Rules Agriculture Natural Resources Transportation
Wes Whitead	Government Oversight Local Government Natural Resources State Government
Paul Wilderdyke	Commerce, Regulation and Labor Economic Growth Human Resources, Vice Chair Natural Resource Human Services, Appropriations Subcommittee
Cindy Winckler	Education Government Oversight Judiciary Ways and Means
Phil Wise	Commerce, Regulation and Labor Economic Growth Education
Ray Zirkelbach	Agriculture Appropriations Economic Growth Justice Systems, Appropriations Subcommittee

SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Rants—floor seat
2. Speaker pro tempore Carroll
3. Majority Floor Leader Gipp
4. Minority Floor Leader Murphy
5. Assistant Floor Leaders —
6. Members with defective sight, hearing and physical disability
7. Drawing by seniority:
 - a. Former Speaker
 - b. Returning members, by seniority
 - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.
Dwayne Alons	32
Rich Anderson.....	40
Richard Arnold.....	31
Clel Baudler	24
Paul Bell.....	86
Deborah Berry.....	73
Carmine Boal	83
Polly Bukta.....	92
Danny Carroll	84
Royd Chambers.....	30
Dennis Cohoon	67
Swati Dandekar	3
Mark Davitt	10
Betty De Boef	2
Bill Dix	54
Cecil Dolecheck	65
Jack Drake	46
George Eichhorn	55
Jeff Elgin	62
Ed Fallon	90
Ro Foege	96
Wayne Ford.....	34
Mary Lou Freeman.....	81
Marcella Frevert.....	79
Mary Gaskill	57
Chuck Gipp	100
Polly Granzow	18
Sandy Greiner.....	33

Dave Heaton.....	6
Lisa Heddens	59
Clarence Hoffman.....	53
Robert Hogg	21
Lance Horbach.....	8
Bruce Hunter	93
Dan Huseman	45
Geri Huser.....	25
Joe Hutter	42
Libby Jacobs.....	66
David Jacoby.....	78
Willard Jenkins.....	26
Pam Jochum.....	89
Gerald Jones	48
Jeff Kaufmann	28
Bob Kressig	19
Mark Kuhn.....	5
James Kurtenbach.....	52
David Lalk.....	72
Vicki Lensing	37
Steve Lukan	15
Jim Lykam	71
Gene Maddox	82
Mary Mascher	97
Mike May	12
Kevin McCarthy.....	13
Dolores Mertz.....	7
Helen Miller	56
Pat Murphy	99
Jo Oldson.....	80
Donovan Olson	27
Rick Olson	74
Steve Olson	16
Kraig Paulsen	22
Janet Petersen	1
Dawn Pettengill	11
Brian Quirk.....	43
Scott Raecker	60
Christopher Rants	14
Dan Rasmussen	29
Henry Rayhons	64
Michael Reasoner.....	87
Nathan Reichert	77
Rod Roberts.....	98
Thomas Sands.....	47
Bill Schickel	49
Tom Schueller	36
Paul Shomshor.....	85
Don Shoultz.....	91
Mark Smith.....	23
Chuck Soderberg.....	17
Doug Struyk.....	9

Kurt Swaim.....	44
Dick Taylor.....	88
Todd Taylor.....	95
Roger Thomas.....	61
David Tjepkes.....	20
Walt Tomenga.....	58
Jodi Tymeson.....	4
Linda Upmeyer.....	70
Jim Van Engelenhoven.....	35
J. K. Van Fossen.....	50
J. R. Van Fossen.....	51
Ralph Watts.....	38
Roger Wendt.....	75
Beth Wessel-Kroeschell.....	41
John Whitaker.....	63
Wes Whitead.....	69
Paul Wilderdyke.....	68
Cindy Winckler.....	39
Philip Wise.....	94
Ray Zirkelbach.....	76

Gipp of Winneshiek moved that the assignment of seats be accepted as listed.

The motion prevailed.

INTRODUCTION OF BILL

House File 23, by Carroll, a bill for an Act to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to September 7, 2004, to be deducted on the return filed for the subsequent tax year and including an effective date provision.

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

EMPLOYEES OF THE HOUSE

Roberts of Carroll moved that the recommendations of the House committee on administration and rules, regarding employees of the House, be accepted and that those named employees be elected as employees of the House.

The motion prevailed and the following named persons were duly elected.

EMPLOYEES OF THE HOUSE

Margaret Thomson - Chief Clerk
Susan K. Jennings - Assistant Chief Clerk I
Paulee Lipsman - Senior Caucus Staff Director
Jeffrey G. Mitchell - Senior Caucus Staff Director
Timothy J. Albrecht - Administrative Assistant to Speaker
Marc A. Elcock - Administrative Assistant to Leader
Allison G. Dorr Kleis - Administrative Assistant II to Speaker
Carolyn McNeill Gaukel - Senior Administrative Assistant to Leader
Mark W. Brandsgard - Senior Administrative Assistant to Leader
Susan S. Fenton - Senior Administrative Assistant to Leader
Timothy R. Coonan - Legislative Research Analyst
Kelly M. Ryan - Legislative Research Analyst
Mary K. Earnhardt - Legislative Research Analyst I
Kellie L. Paschke - Legislative Research Analyst I
Bradley A. Trow - Legislative Research Analyst III
Lon W. Anderson - Senior Legislative Research Analyst
Ann M. McCarthy - Senior Legislative Research Analyst
Lewis E. Olson - Senior Legislative Research Analyst
Bruce G. Brandt - Senior Caucus Secretary
Dwayne Dean Fihr, Jr. - Legislative Research Analyst I
Anna M. Hyatt-Crozier - Legislative Research Analyst II
Mary C. Braun - Senior Legislative Research Analyst
Edward J. Conlow - Senior Legislative Research Analyst
Jenifer L. Parsons - Senior Legislative Research Analyst
Thomas R. Patterson - Senior Legislative Research Analyst
Joseph P. Romano - Senior Legislative Research Analyst
David L. Epley - Senior Caucus Secretary
Becky L. Lorenz - Confidential Secretary to Speaker
Jacquelyn M. Seymour - Confidential Secretary II to Chief Clerk
Betty M. Soener - Clerk to Chief Clerk
Linda C. Rosky - Supervisor of Secretaries I
Gayle A. Goble - Senior Editor
Vicki L. Jones - Editor I
Angela T. Cox - Assistant Editor
C. Elaine Schoonover - Text Processor II
Debra K. Rex - Senior Finance Officer II
Kelly M. Bronsink - Finance Officer I
Doreen R. Terrell - Assistant Legal Counsel
Pauline E. Kephart - Engrossing & Enrolling Processor
Kristin L. Wentz - Indexer II
Barry J. Hartman - Indexing Assistant
Paul W. Aardsma - Switchboard Operator
Madeline E. James - Switchboard Operator
Juliana P. Anderson - Legislative Secretary
Bradley P. Bell - Legislative Secretary
Judy Bernau - Legislative Secretary
Valerie Biddick - Legislative Secretary
Curtis I. Bigsby - Legislative Secretary
Devin L. Boerm - Legislative Secretary
Katie Boggs - Legislative Secretary

Thomas M. Brand - Legislative Secretary
Diane K. Burget - Legislative Secretary
Beverly A. Burns - Legislative Secretary
Diana K. Clay - Legislative Secretary
Shirley M. Danskin-White - Legislative Secretary
Mary K. Davis - Legislative Secretary
Judith K. Elliott - Legislative Secretary
Clint Fichter - Legislative Secretary
Kelley A. Fifer - Legislative Secretary
Harry W. Flipping, Jr. - Legislative Secretary
David Frost - Legislative Secretary
Martha L. Fullerton - Legislative Secretary
Ezekiel Furlong - Legislative Secretary
Adriann Gerardi - Legislative Secretary
Autumn L. Griffieon - Legislative Secretary
Julie M. Heun - Legislative Secretary
Dan Huitink - Legislative Secretary
Janet M. Jones - Legislative Secretary
Kim W. Jones - Legislative Secretary
Elizabeth Junk - Legislative Secretary
Cathy A. Jury - Legislative Secretary
Robert Kaufmann - Legislative Secretary
Josie Klingaman - Legislative Secretary
Erin T. Kreiman - Legislative Secretary
Alex Kuhn - Legislative Secretary
Debrah L. Lalk - Legislative Secretary
Kombiz N. Lavasany - Legislative Secretary
Jennifer Lunsford - Legislative Secretary
Amy L. Lynch - Legislative Secretary
Susan M. Mahedy-Ridgway - Legislative Secretary
Marlene J. Martens - Legislative Secretary
Linda L. McCarthy - Legislative Secretary
Katherine McCaskey - Legislative Secretary
John B. McCormally - Legislative Secretary
Clark E. McMullen - Legislative Secretary
Cathy Mears - Legislative Secretary
Susan G. Meimann - Legislative Secretary
Twyla L. Miller - Legislative Secretary
Lacey R. Oliver - Legislative Secretary
Jean P. Olson - Legislative Secretary
Janet Parrish - Legislative Secretary
Adam L. Phillips - Legislative Secretary
Janet R. Ramsay - Legislative Secretary
Courtney Rickert - Legislative Secretary
Virginia A. Rowen - Legislative Secretary
Mary M. Sanders - Legislative Secretary
Robert P. Santi - Legislative Secretary
Melodie Schueller - Legislative Secretary
Dianne G. Shoultz - Legislative Secretary
Patty Simmons - Legislative Secretary
Melissa R. Singer - Legislative Secretary
Virginia Sourbeer - Legislative Secretary

Sadie L. Stellish - Legislative Secretary
Nicholas L. Sunderbruch - Legislative Secretary
Jean Tannatt - Legislative Secretary
Gary M. Thelen - Legislative Secretary
Rosemary G. Thomas - Legislative Secretary
Paula J. Toms - Legislative Secretary
Eileen M. Tyler - Legislative Secretary
Jessica J. Van Fossen - Legislative Secretary
Darlene A. Van Oort - Legislative Secretary
Amanda H. Wacha - Legislative Secretary
Yvonne S. Welshhons - Legislative Secretary
Anita R. Wendt - Legislative Secretary
Dave White - Legislative Secretary
Donna M. Whitehead - Legislative Secretary
Clarice E. Alons - Legislative Committee Secretary
Cheryl K. Arnold - Legislative Committee Secretary
Jill J. Beni - Legislative Committee Secretary
Susan M. Betsinger - Legislative Committee Secretary
Chad Burton - Legislative Committee Secretary
Joni M. Carroll - Legislative Committee Secretary
Wendy J. Dayton - Legislative Committee Secretary
Aaron J. DeKock - Legislative Committee Secretary
Dawn R. Dillman - Legislative Committee Secretary
Shirley J. Drake - Legislative Committee Secretary
Camille B. Gjovig - Legislative Committee Secretary
Donna W. Greenwood - Legislative Committee Secretary
Matthew J. Gronewald - Legislative Committee Secretary
Deborah L. Helsen - Legislative Committee Secretary
Lynn M. Hoffman - Legislative Committee Secretary
H. Kay Jenkins - Legislative Committee Secretary
Kendra Kehoe - Legislative Committee Secretary
Anthony J. Kruse - Legislative Committee Secretary
Lindsey M. Looney - Legislative Committee Secretary
Laura Mommsen - Legislative Committee Secretary
Melba K. Murken - Legislative Committee Secretary
Martha S. Raecker - Legislative Committee Secretary
Vinita J. Smith - Legislative Committee Secretary
Barbara B. Wennerstrum - Legislative Committee Secretary
Marie A. Kirby - Bill Clerk
Elaine A. Platt - Assistant Bill Clerk
William C. Walling - Postmaster
Wilbur N. Rhoads - Sergeant-at-Arms
Maynard L. Boatwright - Assistant Sergeant-at-Arms
Gerald V. Orman - Assistant Sergeant-at-Arms
James S. Glenn - Doorkeeper
Gary D. Lynch - Doorkeeper
Howard H. Scott, Sr. - Doorkeeper
Robert B. Yeager - Doorkeeper

PAGES GROUP I

Kyle H. Groote - Speaker's Page
 Maison B. Bleam - Chief Clerk's Page
 Ashlee A. Drake - Chief Clerk's Page

Jennifer M. Danilson	Sarita A. Patnaik
Kaci M. Dannatt	Josie M. Rundlett
Tyler J. Dorin	Tyler C. Schipper
Spenser J. Frank	Emily M. Schirmer
Holly A. Grieder	Larry E. Sheely
Erin M. Hopp	Andrea M. Skoog
Anthony R. Menendez	Sarah M. Staron
Sara J. Micetich	

PAGES GROUP II

Erica Ann Ellison	Christina J. Running
Megan L. Hess	Mitchell J. Schaben
Amy Hulstein	Karalyn J. Stott
Benjamin L. Johansen	William M. Tuthill
Kelsey J. Klaver	Benjamin W. Varley

JOINT SENATE/HOUSE EMPLOYEES

Mark L. Willemssen - Facilities Manager II
 Shawn S. Ferguson - Legislative Security Officer II
 Nickolas S. Brown - Legislative Security Officer I
 Richard A. Crawford - Legislative Security Officer I
 Marshall T. Irwin - Legislative Security Officer I
 Carl E. Lami - Legislative Security Officer I
 Mahlon Y. Lamp - Legislative Security Officer I
 Steven D. Marsh - Legislative Security Officer I
 Roy E. Paradise - Legislative Security Officer I
 Robert J. Porter - Legislative Security Officer I
 Kent M. Stevens - Legislative Security Officer I
 Judith A. Salier - Legislative Security Officer I
 Curtis L. Scott - Legislative Security Officer I
 Leo R. Skeffington - Legislative Security Officer I
 Mark S. Lundberg - Conservation/Restoration Specialist II

HOUSE FILE 15 REREFERRED

The Speaker announced that House File 15, previously referred to committee on **local government** was rereferred to committee on **judiciary**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF PAROLE

Iowa Communications Network statistics for Fiscal year 2004, pursuant to Chapter 8D.10, Code of Iowa.

BOARD OF REGENTS

2003-2004 Annual Report of the College Bound and IMAGES Programs at the Regent universities, pursuant to Chapters 262.92 and 269.93, Code of Iowa.

Annual reports on diversity and the minority and women educators enhancement program, pursuant to Chapter 19B.5(3), Code of Iowa.

Annual Report from the University of Iowa Hospital and Clinics, pursuant to Chapter 263A.13, Code of Iowa.

Annual Report on Sale of ISU Ankeny Experimental Farm, pursuant to Chapter 266.39F, Code of Iowa.

Human Resources Committee

2004 Annual Report on diversity and Affirmative Action Cost, pursuant to Chapters 19B.5 and 262.93, Code of Iowa.

COMMISSIONER OF INSURANCE

Report of insurance policies issued during the slavery era providing coverage to a slaveholder, pursuant to House Resolution 29.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Fiscal Year 2004 Affirmative Action Report, pursuant to Chapter 19B.5, Code of Iowa.

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Annual updates of both a comprehensive five-year agricultural commodities and products promotion plan, pursuant to Chapter 15.203(2), Code of Iowa.

DEPARTMENT FOR THE BLIND

2004 Iowa Communications Network savings report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF COMMERCE**Credit Union Division**

Iowa Communications Network savings report, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF CORRECTIONS

Detailed report on inmate capacity and population data, pursuant to Chapter 904, Code of Iowa.

Report establishing feasibility of a mentoring program with unpaid volunteers for persons on parole or probation, pursuant to Chapter 904, Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Annual updates of both a comprehensive five-year agricultural commodities and products promotion plan, pursuant to Chapter 15.203(2), Code of Iowa.

DEPARTMENT OF EDUCATION

Annual report of Iowa Communications Network usage for Fiscal Year 2004, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS

Division of Persons with Disabilities

Annual Report, pursuant to Chapter 216A.71, Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Review of reimbursement methodology for the home and community-based services waiver for persons with mental retardation under the medical assistance program, pursuant to Chapter 249A.12, Code of Iowa.

Annual report of savings through use of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

Mental Health, Mental Retardation, Developmental Disabilities, Brain Injury Commission.

Annual and Biannual Report, pursuant to Chapter 225C.6, Code of Iowa.

Independent Living Services Annual Report, pursuant to Chapter 234.35, Code of Iowa

DEPARTMENT OF INSPECTIONS AND APPEALS

Amusement Devices interim report, pursuant to Chapter 99B, Code of Iowa.

DEPARTMENT OF JUSTICE

State Court Administrator

Fiscal Year 2004 annual report of savings through usage of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

Prosecutor Intern Program Annual Report, pursuant to Chapter 12.2(12), Code of Iowa.

DEPARTMENT OF MANAGEMENT

Annual report of savings through usage of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

Report of the Utility Replacement Tax Task Force, pursuant to Chapter 437A.15(7), Code of Iowa.

DEPARTMENT OF NATURAL RESOURCES

Oil Overcharge Restitution Programs State of Iowa Annual Report, pursuant to Chapter 458A, Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH

Supplemental report from the Iowa Child Death Review Team, pursuant to Chapter 135.43, Code of Iowa.

DEPARTMENT OF PUBLIC SAFETY

2004 Annual Report, pursuant to Chapter 80, Code of Iowa.

DEPARTMENT OF REVENUE

Annual Report of costs to support the departments Tax Gap Compliance Project, pursuant to Chapter 421.17(23), Code of Iowa.

Report of savings regarding Iowa Communications Network for Fiscal year 2004, pursuant to Chapter 8D.10, Code of Iowa.

DEPARTMENT OF TRANSPORTATION

Use of Reversions Report, pursuant to Chapter 307.46(2), Code of Iowa.

2004 Annual Report of the Iowa Railway Finance Authority and Midwest Regional Rail Passenger Initiative Status Report, pursuant to Chapters 327J.3(1) and (5), Code of Iowa.

Fiscal Year 2004 Report for Recycled Content Plastic Bag and Soy Ink, pursuant to Chapter 307.21, Code of Iowa.

Fiscal Year 2004 Biodiesel Fuel Revolving Fund Expenditures Report, pursuant to Chapter 307.20, Code of Iowa.

Annual report of secondary road research and street research, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

2004 Annual Report of Highway Division Highway Research and Development, pursuant to Chapters 310.36 and 312.3A, Code of Iowa.

Fiscal Year 2004 report of savings by using videoconferencing through Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

IOWA BOARD OF PAROLE

Fiscal Year 2004 Iowa Communications Network savings, pursuant to Chapter 8D.10, Code of Iowa.

IOWA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM

Iowa Communications Network annual report of savings for Fiscal Year 2004, pursuant to Chapter 8D.10, Code of Iowa.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Review of maintenance contract, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

Five-year Financial Plan for the Iowa Communications Network, pursuant to Chapter 8D.3(3)(f), Code of Iowa.

A summary of identified savings associated with Iowa Communications Networks use of the network during Fiscal Year 2004, pursuant to Chapter 8D.10, Code of Iowa.

IOWA VETERANS HOME

Annual cost-savings report on Iowa Communications Network usage for Fiscal Year 2004, pursuant to Chapter 8D.10, Code of Iowa.

IOWA WORKFORCE DEVELOPMENT

2004 annual report for video-conferencing on Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

MEDICAL ASSISTANCE CRISIS INTERVENTION TEAM

A projection of medical assistance cost through June 30, 2008, pursuant to Chapter 249A, Code of Iowa.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

2004 Annual Report, pursuant to Chapter 411.5, Code of Iowa.

OFFICE OF DRUG CONTROL POLICY

Iowa Communications Network cost savings report, pursuant to Chapter 8D.10, Code of Iowa.

2005 Iowa Drug Control Strategy, pursuant to Chapter 80E.1(2)(a), Code of Iowa.

OFFICE OF THE STATE PUBLIC DEFENDER

2004 Efficiency Report and Executive Summary, pursuant to Chapter 13B, Code of Iowa.

STATE LIBRARY OF IOWA

2004 Annual Report of the use of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

TREASURER OF STATE

Annual Report regarding the Tobacco Settlement Authority, pursuant to Chapter 12E.15, 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

- | | |
|--------|---|
| 2005\1 | Lucile Stephens, Davenport – For celebrating her 95 th birthday. |
| 2005\2 | Ralph Gipper, Fairbank – For celebrating his 80 th birthday. |
| 2005\3 | Darlene Jesse, LaPorte City – For celebrating her 80 th birthday. |
| 2005\4 | Earl and Claire Kelley, Woodbine – For celebrating their 60 th wedding anniversary. |
| 2005\5 | Robert and Sondra Dickinson, Woodbine – For celebrating their 50 th wedding anniversary. |
| 2005\6 | Alvena Gildemeister, Hubbard – For celebrating her 100 th birthday. |
| 2005\7 | Albert and Maxine Bach, Iowa Falls – For celebrating their 60 th wedding anniversary. |

RESOLUTION FILED

HR 3, by Jacobs, a resolution honoring all legislative branch employees who volunteered their time and efforts to make the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments a successful meeting of Midwestern state and Canadian provincial legislators and their staffs.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 2:34 p.m., until 8:45 a.m., Tuesday, January 11, 2005.

JOURNAL OF THE HOUSE

Second Calendar Day - Second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 11, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Marc Elcock, Administrative Assistant to Majority Leader Gipp.

The Journal of Monday, January 10, 2005 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

INTRODUCTION OF BILLS

House File 24, by J. K. Van Fossen, a bill for an act relating to a phaseout of the state income taxation of social security benefits and providing a retroactive applicability date.

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

House File 25, by Tymeson, 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**

House File 26, by J. K. Van Fossen, a bill for an act phasing out the state income tax on social security benefits and on pension and retirement income and providing a retroactive applicability date.

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

House File 27, by Raecker, a bill for an act providing for contributions made to a qualified tuition program established by

certain educational institutions to be deducted for individual income tax purposes and including effective and retroactive applicability date provisions.

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

House File 28, by Wise, a bill for an act relating to county enterprise authority.

Read first time and referred to committee on **economic growth**.

House File 29, by Huser, a bill for an act relating to the nonpartisan election of township officers.

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

House File 30, by Maddox, a bill for an act relating to the confidentiality of proceedings and documents of the commission on judicial qualifications.

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

House File 31, by Baudler, a bill for an act relating to deer hunting by providing for the issuance of a resident deer hunting license with two tags, requiring payment of a help us stop hunger program fee, appropriating the fee for the use of the help us stop hunger program, and providing a penalty.

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

House File 32, by Shoultz, a bill for an act providing for regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 33, by Smith, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

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

House File 34, by Carroll, a bill for an act relating to the establishment of a promotional program for national historic landmarks.

Read first time and referred to committee on **economic growth**.

House File 35, by Shoultz, a bill for an act establishing motor vehicle registration fees for certain motor trucks and farm pickup trucks and making appropriations.

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

House File 36, by Zirkelbach, a bill for an act relating to the use of automatic dialing-announcing device equipment and making a penalty applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 9:42 a.m., Speaker Rants in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Greiner of Washington, Anderson of Page and Wessel-Kroeschell of Story.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Greiner of Washington, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 1, duly adopted, the joint convention was called to order at 9:49 a.m., President Kibbie, presiding.

Senator Iverson of Wright moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Kibbie announced a quorum present and the joint convention duly organized.

Senator Iverson of Wright moved that a committee of seven, consisting of four members from the Senate and three members from the House of Representatives, be appointed to notify Governor Thomas J. Vilsack that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Beall of Webster, Putney of Tama, Ragan of Cerro Gordo and Ward of Polk, on the part of the Senate, and Representatives Elgin of Linn, Raecker of Polk and Reichert of Muscatine, on the part of the House.

Secretary of State Chester J. Culver; Secretary of Agriculture and Land Stewardship, Patty Judge; State Auditor, David Vaudt and Attorney General, Tom Miller were escorted into the House chamber.

The Supreme Court Justice, the Justices of the Supreme Court, the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

Mrs. Christie Vilsack, wife of the Governor, and their sons, Jess and Doug, were escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him to the Speaker's station.

President Kibbie presented Governor Thomas J. Vilsack who delivered the following condition of the state message:

Thank you very much. Thank you. Mr. President, thank you very much. Mr. Speaker, thank you. To the members of the General Assembly, thank you for your kind invitation to visit with you today about the condition of our great state. Before I do, I want to take this opportunity to acknowledge Chief Justice Lavarato and members of our Iowa Supreme Court and our Iowa Court of Appeals as well as our other statewide elected officials – our Attorney General, our Auditor, our Secretary of Agriculture, our secretary of state. I need to extend a special acknowledgment to Sally Pederson for her outstanding work as our Lieutenant Governor, and to my first lady and Iowa's first lady, Christie Vilsack, for her voluntary efforts on behalf of literacy and libraries. Each of you and all of you are making a difference and I want to take this opportunity to personally thank you for making each life in Iowa better.

Each year I address the General Assembly and to the people of Iowa on the condition of our state. In a word, I am pleased to report that the condition of our state is improving. More Iowans are working now than a year ago, and after several years of decline, state revenues are rebounding. We will unveil a budget process in the next week or so that focuses on priorities and on results. While difficult choices and challenges face us, progress is being achieved.

Six years ago when I spoke to the General Assembly, we worried about declining math and reading scores among our earliest learners. Fulfilling our responsibility to our children, we focused resources on class size reduction efforts and reversed an eight-year decline in test scores. Today, our youngsters benefit from four straight years of improved test scores- scores that rank among the nation's best.

Six years ago we agonized over whether or not we would have access to health care for some of our most vulnerable Iowans – our children, our veterans, and our seniors. Working together, we expanded the Healthy And Well Kids In Iowa program, our HAWK-I insurance program. We educated veterans and their families about benefits, and we created the senior living trust to extend health care options for seniors. In doing so, we expanded health security to thousands of Iowans. Today in our state, 15,000 more children have access to the health care they need when they need it through expanded HAWK-I, 38,000 more veterans are receiving the health care benefits they have earned with their service, and over 28,700 more seniors, as a result of the senior living trust, are living in their own homes with greater dignity and independence rather than going to a nursing facility before it is their time. And we accomplished all of that by working together.

Six years ago we wondered whether or not we would have the people, and the power and the resources to transform an economy. We embraced Vision Iowa and the community attraction and tourism program, we reformed our regulatory structure for electric utilities, and we funded the first two years of the grow Iowa values, in doing so we changed the economic landscape of our state. One hundred and seventy projects that have received Vision Iowa and community attraction and tourism grants allowed us to expand and grow the number of cultural and recreational opportunities. At the same time we grew the number of college educated workers in our workforce by over 50,000 in the last three years alone.

The six new power facilities that have been constructed or are under construction are the first new such power facilities in the last 20 years. When the power from those facilities is added to our efforts to expand wind and renewable energy, Iowans will no longer have to look beyond our borders for power. We will have true energy independence.

With the investments made in the Values Fund we have supported thousands of good paying jobs in the life sciences, information solutions, and advanced manufacturing. We have allowed our state to gain a national reputation as a leader in biotechnology and insurance, and we also enabled our state to be among the nation's leaders in per capita income growth -- all of this by working together.

Now, as much as we have achieved, there is still more work to be done. My friends, history, history calls us to this time and to this place. A solemn choice rests with us -- where do we go from here? Do we move slowly and incrementally? Or do we seize the challenge of our time and tackle the great issues of our day.

Some, some will look at this legislature nearly equally divided and split and suggest and predict that not much will be accomplished. Those who do so do not know as I know, do not have the faith that I have in the leaders of this General Assembly and in the members of this General Assembly. I know that you care deeply about this state, I know that you believe that it can and it should be the best place to live, work and raise a family. In that spirit, let us seize this historic moment, let us put aside party politics, let us put aside partisanship and ideology. Let us commit to governing as one -- no republican agenda, no democratic agenda -- just simply one, common, shared Iowa agenda.

Let us tackle those great issues with bold ideas -- ideas that transform; ideas that are rooted and reflective of our shared values of responsibility, opportunity and security; ideas that fundamentally change Iowa; ideas that allow us to accomplish our shared mission to grow Iowa; and realize the shared vision of Iowa as the best place to live, work, and raise a family.

This is a critical moment and we must start this effort to transform our state with education. For every child in this state, every child in this state, needs and must have a world-class educational opportunity in order to prepare them for the global competition. While our schools are good, they must be the best if our youngsters are to succeed in that competition and to succeed in life. Let us commit from this day forward that good will no longer be good enough.

Thirty-eight dedicated Iowans from all walks of life, inside and outside of education, have met for over a year to determine what we needed to do to provide that world-class

and seamless educational learning opportunity for our children. The recommendations of that group, the Iowa Learns Council, form the basis for transforming education in our state. I want to take this opportunity to acknowledge members of the Iowa learns council who could join us today. I have asked them to stand and I would ask you to join me in thanking them for their service.

The council recommended that we begin with our youngest children. Brain research has established and proved that 85 percent of the core structure of the brain of a child forms in the first six years of life. To fulfill our collective responsibility to our children, we must have a comprehensive commitment to these young learners. We must have a commitment that coordinates and integrates early child care and education.

The council recommended three significant steps. First we should begin by helping parents, by providing assistance to parents, so that they can be their child's first and best teacher. Several years ago this General Assembly had the foresight to create and to fund community empowerment areas. The concept was to integrate and coordinate our early child efforts. We should invest more in empowerment. In doing so, we can expand home visitation and parent education programs. And we can increase the tools and knowledge available to parents so that they can create even more stimulating environments for their children at home.

The second step requires us to recognize that many, in fact most, of the parents of these young children work. And as a result they rely on child care during a part of their day. Many Iowa families struggle every day, every week, every month, every year, in finding and paying for quality childcare. We need to help, we need to expand financial assistance so parents can afford quality childcare and we need to begin to create a rating system that will allow us to identify and define what quality childcare is. The fact is if we know what quality is, if parents know where they can find it in their community and they can afford it, they will make the right choice for their child or for their children.

The third step in this process involves preschool – access to preschool. It is a core essential to any comprehensive commitment to our youngsters. It forms the basis, the foundation, for a great start to learning once school begins. Most Iowans would be surprised to learn that less than 20% of our children have access to accredited quality preschool. Let this be the General Assembly that makes the decision to begin now, to begin now to increase every year the number of children having access to accredited preschool. Let this be the General Assembly that challenges schools, head start, faith-based efforts, private providers to expand access to preschool so that we reach the day that every child in our state, every child in our state, has access to quality preschool. Let it begin now.

Now, some will say that in order for us to reach a world class learning experience in education all we need to do is simply invest more in the current system, in the current K-12 system. Clearly we do need to do a better job of supporting general school aid and we must make sure our teaching salaries are competitive. The fact is that our children will not succeed, will not have the level of success that they need if we continue to languish 37th in the country in teaching salaries. So the budget that we submit will not only fully fund our allowable growth commitment, but will more than double our commitment to the teacher compensation and student achievement program that we started together several years ago.

But, if that's all we do, it will not be good enough. High schools need to be transformed in this state. Most Iowans would not be surprised to learn that Iowa graduates a higher percentage of its high school students than all but four states in our country. But I suspect that many Iowans would be surprised to learn that for every 100 students starting 9th grade in our state only 83 graduate from high school within four years. Of that number, only 54 go on to college immediately after high school graduation. Of that number, only 37 are in college the second year, and of that number only 28 -- 28 out of the original 100 students will get their associates degree within three years of graduation or their bachelor's degree within six years of graduation. When the department of labor reports that 49 out of the top 50 jobs in this country, 49 out of the top 50 highest paying jobs in this economy now and in the future will require post high school education, Iowans have the right to expect, and I would submit to you have the right to demand better.

We need to transform high school. The learns council recommended a more rigorous and more relevant high school experience. They suggested that we needed to strengthen curriculum, we needed to toughen graduation requirements, and we needed to tighten relationships between high schools, our colleges, our universities, our community colleges so that youngsters can gain college credit before they even graduate from high school.

Those recommendations should be followed. For in our high schools today, a young person can graduate from most of our high schools with but two years of math and two years of science. In a global economy, in a competitive world we must challenge our children academically. So I have asked Judy Jeffrey, the Director of the Department of Education, and members of our State Board of Education to travel throughout the state the next four months. To meet with local school officials to urge them to adopt the learns council's recommendations. To strengthen that curriculum, to tighten and toughen those requirements and create those relationships that will expand learning opportunities.

Our children deserve this. They need it. And it's up to us. It's up to us. Because the reality is that many of these schools will find it difficult. Forty percent of our high schools today have less than 200 students. They have fewer experienced teachers. They have higher work loads. They have fewer class offerings. They have declining enrollments and declining revenues. They will find it very difficult, if not impossible, to meet these recommendations. They need our help. They also need to be willing to help themselves. Strategies like whole grade sharing, the sharing of administrative staff and superintendents, consolidation of high schools and if at the local level if the decision is made to consolidate school districts -- all of those are strategies to expand learning opportunities for our children. And we should encourage those strategies. We should provide financial incentives to encourage school districts to look at those strategies. The budget that we submit will not only provide the resources for allowable growth and teacher compensation, but will also fund supplemental weighting to encourage these steps be taken now.

The time to make this commitment is now. Our children deserve it, and I would strongly suggest to you that our values command it.

Now while transformation begins with education, it does not end there. If we are to grow Iowa, if we are to become the great place to live, work and raise a family, we must have expanded economic opportunity, through economic development, it remains a key.

Several years ago, we began the process of transforming the economy focused on three industry clusters that play to the strengths of Iowa: the life sciences advanced manufacturing, information solutions with a focus on insurance and financial services.

We invested in the life sciences, in companies that added value to the crops that we grow, changing them from surplus commodities to value added ingredients. For example, we nearly tripled the number of ethanol production facilities in our state, doubling our ethanol capacity. Today, I'm proud to stand before you as the governor of the number one state in ethanol production. We supported bio-diesel as a more effective fuel. We invested in bio-based opportunities arising from our state universities. All of which allowed us to enhance our reputation as a leader in biotechnology.

We invested in advanced manufacturing jobs – the jobs that require higher skills, command higher pay.

We welcomed small, high-tech firms to Iowa while at the same time we celebrated the announcement of the largest economic development project in our state's history with the expansion of Wells Fargo. We were able to do all of that by working together by creating and promoting the values fund.

We know the values fund works. Our job now is to ensure that it works for years to come. Low interest rates, a very high credit rating, additional gaming revenues create an opportunity to create a real opportunity to make a substantial and significant and sustained commitment to economic development and to a brighter and better future for our state.

I propose that we create, that we put forward, a 5 year, \$800 million dollar commitment to build that better future. A future that encourages entrepreneurship in small business development, a future that rewards us with 50,000 better paying jobs that support families and communities. A future that allows us to maintain our critical infrastructure. a future that allows us to expand access to cultural and recreational opportunities so we can continue to make the case to our bright young people that Iowa is the best place to live, work and raise a family. And a future that invests in our natural resources so that we have clean water and improved water resources. We must begin building that future now.

Once we identify the resources to grow Iowa, we also have to make sure that our regulatory structures keep pace with the times. The one constant in this global economy that we find ourselves in, is change. Changing environments, no better example of that than in the telecommunications area. Wireless, voice over ip, all of the changing technologies, suggest to us that we need a new regulatory structure and design. One that moves away from a system that regulates price, to one that allows the market to regulate price while we regulate and guarantee service, access and quality. I propose that we begin this effort. We begin this transition by directing our utility board to de-regulate business lines for telecommunications. Iowa can lead in this changing environment. And if we act now, we will.

Local government officials, community leaders, and government generally must be part of this effort to transform. We need to stimulate more creative thought, more innovative thought at the local level. And we need to build great places, to live, and to work and to raise a family. We can begin that process to build those great places and

stimulate that thought, and in fact we have begun that today with a directive entitled great places. A directive that I've ordered and signed today. A directive that suggests and directs the Department of Economic Development, Workforce Development, Natural Resources, Human Rights, Cultural Affairs, and the Iowa Finance Authority to streamline their application processes to package a portion of the resources under their control and target and direct resources to reward the most innovative, most creative communities that aspire to be "great places." we can begin building those great places, and we will start today.

Last month I talked to you about a program to make Iowa more competitive, that focused on our income tax structure. Today, I want to visit with you about our property tax structure. Everybody in this building knows that property taxes are too high. Everybody in this building knows that the current property tax system unfairly penalizes commercial, industrial interests that make it more difficult for us to develop and expand our economy. Everyone knows that the current structure does not reward efficiency.

I have in my hand, a book entitled "Survey of Administration in Iowa" from the Brookings institute. It was published in 1933. It contained many of the same observations. What was true in 1933, apparently is still true today in 2005. This system needs to be transformed. I suggest we take it in two steps.

The first step, let's deal with the current inequities in our system by adjusting the rollback and creating a workable and reasonable limitation on future property tax increases. But let us not stop with that temporary fix. Let us go to the next step. Let us complete the work that began in 1933. Let us put in motion a process that allows us to restructure government. A government at every level and at all levels that is more autonomous, but also more efficient. A government that provides better service, at less cost. We have waited far too long. The time to act is now and you are the folks that can get the job done.

Governments have no greater responsibility than to secure the safety and security of their citizens. There are many different functions and responsibilities that government has that intersect at that solemn duty. Not the least of which, is homeland security.

I want to take this opportunity to remind all of us that still today, we have men and women, husband and wives, sons and daughters in harm's way. And some who over the last twelve months paid the ultimate sacrifice and the ultimate price for us. We are proud, we are extraordinarily proud, of the men and women who serve us in uniform, here and abroad, in a variety of functions and responsibilities. From the armed forces to police officers, to sheriffs, firefighters, and others. We are proud of them. And we want to thank them for their effort and we want to daily pray for their safety.

Joining us today is U.S. army specialist Chad running. Chad is the son of Director Rich Running. He's the third generation of that family to have served in combat. He is currently on leave from the "green zone" in Baghdad as a medical lab technician. He has been in the army for four years. Chad, we are happy to have you home and thank you for your service.

Another place where our responsibility to provide security and safety intersects is the war on drugs. This is a war we must win. And this is a war that we will win if we

control the production of methamphetamine in this state. I strongly support, I strongly support efforts to restrict the sale of pseudophedrine and other precursors that are vital to the manufacturing of methamphetamine. Over the Christmas holiday I met with parents of children who made the wrong choice for themselves, for their family, and for their community. Some of you I suspect have also met with parents. You see the anguish on their face. You see and hear the urgency in their message. They know that it was too late for their son or their daughter, the choice has been made. But they care deeply about the next son and daughter, and I know you do as well. It may be a minor inconvenience for some, but it is great protection for all. Please support this effort. Please work with me to drive the makers of this poison that rob our children of their childhood and of their future out of this state, out of this country and out of business.

Now our job, our duty, our responsibility to ensure the safety and security of our citizens can not be complete unless we guarantee health care security for our citizens. For several years, the Lieutenant Governor and I have urged the General Assembly to expand health care security to tens of thousands of Iowans who suffer from mental illness or substance abuse. Our healthcare system will never be transformed until such time as mental health parity and substance abuse parity becomes part of our healthcare system. We have waited a long time. It is time to make parity the law of this state. And the time to act is now.

But we can not stop with that. We must recognize that affordability and accessibility also threaten access to healthcare security for many Iowans. An under funded Medicaid budget prevents us from providing vital services to vulnerable Iowans: children, people with disabilities and seniors on fixed incomes. Unreasonably high and unpredictably high increases in medical malpractice insurance make it difficult to provide access to doctors in critical areas in high-risk specialties. The lack of emphasis on efficiency and electronic medical recordkeeping makes it more difficult for us to avoid costly medical errors that cost us in lives and in money.

Small businesses continue to struggle with ever-increasing healthcare insurance costs while they try to remain competitive and do right by their employees. And our seniors, our seniors need an universal assessment of their condition so they can get the right care at the right time.

Now, we need innovative and creative solutions to all of these. And we need the resources to implement. In Iowa today, and across this great country, smoking costs us. It costs us in lives, it costs us in money, in medical expense, it costs us in lost productivity. According to the campaign for tobacco free kids, in Iowa last year, we spent \$235 million dollars as a state, for healthcare costs related to tobacco use. While we received \$88 million dollars from revenues generated by tobacco products. That fundamental inequity must be corrected.

Fairness dictates a better balance between what we pay our and what we receive. I support an increase in the cigarette tax and in the tobacco tax. And I support it in the understanding that it will be used to provide healthcare security, it be used to provide resources to adequately fund Medicaid, to provide those vital services. That it be used in an innovative and creative way to establish a critical care compensation fund to reduce the risk of high malpractice costs for doctors in specialty areas. That it be used to incent clinics and hospitals to embrace efficiencies, embrace electronic recordkeeping. That it be used to help us promote small business group insurance

reform so that costs can come down to small businesses and they can remain competitive. And it be used to fund and create a universal assessment tool for our seniors. In point of fact, we must do this. It is time for us to do it. It's the right thing to do. Healthcare security is important and the time to act on it is right now this year.

Thirty years ago, thirty years ago, I made the decision with Christie to move to Iowa. To live in Iowa. And to hopefully raise a family in Iowa. It was a conscious decision based on what I knew about our great state. I knew it was a state that honestly, truly, believed in potential. I knew that at its roots, with its agricultural heritage, believed every year, in the renewal of potential. Every time a crop is planted, it is about potential. I knew it was a state that supported community. And that community surrounded and helped to raise children. I knew it was a special place. But I didn't know how special.

I didn't know how special until I had two sons. Until I saw what happened as they grew up. I saw people care about them. Coaches, Sunday school teachers, priests, nuns, next door neighbors care about my children. I saw a community invest in the potential of my children. I saw a school district invest in the potential of my children. I can never repay the state. Never. As long as I live. No matter how hard I work. For what they have done for me. They have allowed me to reach my life's dream. Which is to raise a family where my children experience childhood. When you grow up as I did, in a situation with abuse and alcoholism, it's tough to experience childhood. But, this is a state that celebrates childhood. This is a state that embraces childhood. This is a state that provides resources and help. This is a state that is committed to children and to the potential of the future.

The agenda we have laid out is not just about programs. I can make the case that it's good policy. I can make the case that there's a return on investment. Early childhood, there are studies: Ypsilanti Michigan, the Federal Reserve Bank of Minneapolis, all reporting high returns on investment. Extraordinary results when you invest in early childhood. I can tell you all of that. The real reason we need to do this is because our values, our values dictate we do this. When we invest in our children, when we invest in expanded economic opportunity, when we encourage innovation and creativity, when we guarantee health care security, we are in essence reaffirming our belief in potential. Reaffirming our belief in a future, a brighter, a better future. Reaffirming the concept of what it is to be an Iowan and an American. the belief that if you work hard, you play by the rules, you sacrifice, you invest, that the next generation, the future generation, the potential of America and of Iowa can be realized.

You all have a historic opportunity. We all have a historic opportunity. And all of those who live in this state are watching us. They're not just watching us, they're depending on us. They want our children to grow strong and healthy with an opportunity for success. They want good paying jobs. They want a government that's effective and efficient, and is creative and innovative. They want health care security for vulnerable Iowans and for people that need it. They want us to create a better Iowa, and working together, setting aside our differences, figuring out strategies for dealing with our differences, we can create that Iowa. And in doing so, we will live up to our values, because if you believe, as I do, in an Iowa where every child has a chance for success. If you believe as I do, in an Iowa that is served by an effective, innovative, creative government. If you believe, as I do, in jobs that transform an economy. If you believe, as I do, that healthcare security is a guarantee we make to all.

If we act on those beliefs, we can create an Iowa that is consistent with our values. We can create an Iowa that provides to every citizen the opportunity for success. We can create an Iowa that is the best place to live, to work and raise a family. That is our challenge. That is our call. That is our duty. God bless our work here. God bless the great people of this state and of this nation. And let's get to work.

Governor Thomas J. Vilsack was escorted from the chamber by the committee previously appointed.

On motion by Jacobs of Polk, the joint convention was dissolved at 10:48 a.m.

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 January 11, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, a concurrent resolution authorizing a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Tuesday, January 11, 2005, at 10:00 a.m., at which time Governor Thomas J. Vilsack will deliver his budget message

Also: That the Senate has on January 11, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, a concurrent resolution authorizing a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Wednesday, January 12, 2005, at 10:00 a.m., at which time Chief Justice Lavorato present his message of the condition of the judicial branch.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 21 REREFERRED

The Speaker announced that House File 21, previously referred to committee on **local government** was rereferred to committee on **economic growth**.

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

- 2005\8 Marion "Mike" Olson, Iowa Falls – For celebrating his 80th birthday.
- 2005\9 John Carroll, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\10 Saint Anthony Regional Hospital, Carroll – For observing its 100th anniversary of providing healthcare to citizens in west central Iowa.
- 2005\11 Jonathan Brokens, Scotch Grove – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\12 Julia Crow, Sioux City – for celebrating her 100th birthday.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 1 Public Safety

Requiring the state board of regents to adopt rules directing its institutions of higher learning to waive certain tuition charges for the children of police officers, fire fighters, sheriffs, deputies, volunteer emergency services providers, and individuals in protection occupations killed in the line of duty.

H.S.B. 2 Administration and Rules

Relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

H.S.B. 3 Administration and Rules

Relating to permanent rules of the House for the Eighty-first General Assembly.

H.S.B. 4 Ethics

Relating to the House code of ethics.

H.S.B. 5 Ethics

Relating to the rules governing lobbyists in the House of Representatives.

H.S.B. 6 Human Resources

Relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers, and providing an effective date.

On motion by Jacobs of Polk the House adjourned at 11:06 a.m., until 8:45 a.m., Wednesday, January 12, 2005.

JOURNAL OF THE HOUSE

Third Calendar Day - Third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 12, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Danny Carroll, Speaker pro tempore of Poweshiek County.

The Journal of Tuesday, January 11, 2005 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

INTRODUCTION OF BILLS

House File 37, by Hutter, a bill for an act providing for legislative membership on the state racing and gaming commission.

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

House File 38, by Whitaker, a bill for an act relating to the eligibility for the homestead credit of the owner of a dwelling located on land owned by another person or entity and including an effective date.

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

House File 39, by Hutter, a bill for an act relating to enhancing the criminal penalty for offenses against a person sixty-five years of age or older.

Read first time and referred to committee on **public safety**.

House File 40, by Jochum, a bill for an act allowing elections in certain cities to be conducted by mail ballots and providing penalties.

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

House File 41, by Hutter, a bill for an act relating to hours of operation of state-operated driver's license stations.

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

House File 42, by Whitaker, a bill for an act relating to hunting by artificial light.

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

House File 43, by Jochum, a bill for an act allowing a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

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

House File 44, by Gaskill and Murphy, a bill for an act relating to the disclosure of hospital-acquired infections and providing penalties.

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

House File 45, by Granzow, a bill for an act relating to administrative rules for controlling fugitive dust.

Read first time and referred to committee on **environmental protection**.

House File 46, by Smith, a bill for an act increasing the personal needs allowance for residents of nursing facilities under the medical assistance program.

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

House File 47, by Thomas, a bill for an act relating to special emergency medical services motor vehicle registration plate fees.

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

House File 48, by Jochum, a bill for an act providing for a sales and use tax exemption for the purchase of toys to be distributed by a nonprofit organization at no cost.

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

House File 49, by Thomas, a bill for an act relating to the removal of campaign signs from the primary highway right-of-way and establishing a fee.

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

House File 50, by Smith, a bill for an act relating to the provision of emergency crisis counseling to emergency service personnel at the place of an emergency or an accident by a volunteer critical incident stress management team member.

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

House File 51, by Boal and Hogg, a bill for an act relating to the criminal penalty surcharge, creating a criminalistics laboratory fund, and appropriating criminal penalty surcharge moneys to the fund.

Read first time and referred to committee on **public safety**.

House File 52, by Tjepkes and McCarthy, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties.

Read first time and referred to committee on **public safety**.

House File 53, by Jochum, a bill for an act authorizing cities and counties to levy a property tax for purposes of establishing, maintaining, and managing recreational programs for persons with disabilities.

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

House File 54, by Baudler, a bill for an act relating to relocation of the child support recovery unit to the department of revenue.

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

House File 55, by Berry and Raecker, a bill for an act encouraging community investment in before and after school programs by allowing school districts to request additional allowable growth and providing for related matters.

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

House File 56, by Boal, a bill for an act relating to the exemption of sales and use taxes on the purchase of precious metals and rare coins by dealers.

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

House File 57, by Jochum, a bill for an act subjecting officers and directors of a nonprofit corporation granted a license to conduct pari-mutuel wagering or gambling games to government conflict of interest provisions and making penalties applicable.

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

House File 58, by Jochum, a bill for an act relating to the regulation of wetlands, mitigation of adverse impacts to wetlands, providing penalties and fees, and making an appropriation.

Read first time and referred to committee on **environmental protection**.

The House stood at ease at 8:59 a.m., until the fall of the gavel.

The House resumed session at 9:43 a.m., Speaker Rants in the chair.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Eichhorn of Hamilton, J.R. Van Fossen of Scott and Zirkelbach of Jones.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Eichhorn of Hamilton, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:56 a.m., President Lamberti presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Lamberti announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of seven, consisting of four members from the Senate and three members from the House of Representatives be appointed to notify Governor Thomas J. Vilsack that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Angelo of Union, Kreiman of Davis, McKibben of Marshall and Horn of Linn on the part of the Senate, and Representatives Kaufmann of Cedar, Soderberg of Plymouth and Pettengill of Benton on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of seven, consisting of four members from the Senate and three members from the House of Representatives be appointed to notify Chief Justice Louis A. Lavorato that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Boettger of Shelby, Fraise of Lee, Miller of Jefferson and Reilly of Mahaska, on the part of the Senate, and Representatives Paulsen of Linn, Baudler of Adair and R. Olson of Polk on the part of the House.

Secretary of State, Chester J. Culver; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Patty Judge; State Auditor, David Vaudt; and Attorney General, Tom Miller were escorted into the House Chamber.

Lieutenant Governor Sally Pederson was escorted into the House Chamber.

The Justices of the Supreme Court, the Chief Judge, the Judges of the Court of Appeals and the District Court Chief Judges, were escorted into the House Chamber.

Mrs. Janis Lavorato, the wife of the Chief Justice; his step daughter, Jenna Green; his sister-in-law, Delayne Johnson and his brother-in-law, Edward Busing were escorted into the House Chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him into the House Chamber.

The committee waited upon Chief Justice Louis A. Lavorato and escorted him to the Speakers station.

President Lamberti presented Chief Justice Louis A. Lavorato who delivered the following Condition of the Judicial Branch Message:

It is indeed an honor and a privilege to address this assembly each year. Thank you for the invitation. In return, I'd like to extend an invitation to you. I invite everyone to join us for refreshments and conversation downstairs in the courtroom following my remarks.

I would also like to extend a warm welcome to the new legislators. I look forward to meeting each of you, and hope you'll feel free to call on us if you have questions about the administration of the courts.

Now, I would like to turn our attention to the state of the judiciary.

This annual report is our best opportunity to inform you about the condition of our state court system, its strengths, and weaknesses. This is important because our system of government calls upon all three branches, in differing roles, to contribute to the administration of justice. Our role is to promptly but carefully decide cases according to law, equally to all. However, it is up to you—the legislature and the governor—to provide the tools and resources we need to carry out our enormous responsibilities.

Over the years, we have enjoyed a relationship of candor, cooperation, and mutual respect, and I address you in that spirit again today. In my previous messages I have reported that despite financial hardships brought on by budget cuts, the Judicial Branch was managing to fulfill its responsibilities to the public. My report this year, however, is less than favorable. Although we are continuing to provide basic court services, our resources are spread painfully thin, and the cumulative effects of five years of fiscal austerity have begun to show. The quality of justice in Iowa is at risk.

History of Budget Cuts

For the benefit of those of you who are not familiar with the details of the budget cuts, I will explain how we reached this point. Let's go back to fiscal year 2001.

That year, the state's problem with the health insurance terminal liability fund resulted in a shortfall of about \$2.4 million for the Judicial Branch. We balanced our budget through a variety of measures, and we carried on. Near the end of the fiscal year, state revenues dropped unexpectedly, and to cover the deficit, you transferred money from several sources, including \$4 million from our earmarked technology fund.

We began fiscal year 2002 with a flat, or status quo operating budget. But as you know, that year state revenues took a turn for the worse, and the legislature met in special session to implement severe across-the-board cuts. Our share of that cut was \$5.2 million. Balancing our operating budget that year required drastic and unprecedented action. We cut deep and wide. We laid-off 117 employees, eliminated 20 vacant positions, downgraded the positions of 79 supervisory employees, and reduced the hours of 67 employees. In addition, we implemented a hiring freeze, eliminated some highly regarded programs, and imposed other stringent cost-saving measures. Good people lost their jobs; others took a large pay cut. These were difficult decisions to make. But we made them, and we carried on.

More cuts followed as the state's budget crisis lingered. In March 2002, we sustained another cut of \$2.2 million, and fiscal year 2003 brought yet another cut—\$2.1 million. We cut whatever we could without disrupting service, and we carried on.

Fiscal year 2004 was more or less status quo. The current fiscal year, however, is a different matter.

FY 2005 Budget Problems

In July, we implemented approximately \$5 million worth of cost-cutting measures. This was necessary because of a flat appropriation and rising expenses. All of our increased expenses this fiscal year spring from higher personnel costs.

First, we must pay nearly \$2.5 million for increases in health and dental insurance premiums, the deferred compensation program match, and salary increases approved in the previous year and carried over to the current year.

In addition, our collective bargaining contract with two unions costs about \$1 million for salary increases to our contract employees. We tried to defer this expense. Last summer, the state court administrator asked both unions to accept a salary freeze for the current year. They rejected the request, and of course we must honor the contracts.

Once the matter of raises for contract employees was settled, we decided to approve similar raises for noncontract employees. Although this cost another \$1.3 million, it was the right thing to do. If we had not treated both groups of employees the same, noncontract employees would have paid a disproportionate price in terms of the budget cuts.

In the past, personnel expenses such as those I described have been covered by salary adjustment funds appropriated in the annual state salary bill. Last session, however, you and the governor chose not to provide salary adjustment funds to anyone, and consequently, as I mentioned earlier, we had to absorb about \$5 million.

This leads me to the steps we took to balance our budget this fiscal year.

Unpaid Leave and Office Closures

To operate within the parameters of our appropriation, the court ordered a variety of cost-cutting measures. Because personnel expenses account for 96% of our operating budget, we had few choices but to balance the budget on the backs of our employees.

This year, the biggest cut in our budget resulted in eight days of mandatory unpaid leave for all nonjudicial employees. Because our rural offices are not sufficiently staffed to allow for staggered implementation of the unpaid leave, we chose to enforce the unpaid leave for everyone at the same time. On days of unpaid leave all of our offices are closed. To lessen the effect of these closures on the public, the court scheduled them, as much as possible, on federal and county holidays, and on Fridays.

The court considered, but rejected, more lay-offs as a way to reduce expenses. Since we cut our workforce by 11% in fiscal year 2002, we have operated with minimum staffing levels. Additional lay-offs would cripple our ability to provide basic services, particularly in the rural areas of the state.

Holding Open Vacant Positions and Judgeships

In addition to the money saved by office closures and forced leave, we continue to hold down expenditures by holding open jobs when they become vacant. We have relied heavily on this measure since the state's budget problems first began. There have been times when we have held open as many as 70 positions, or about 5% of our nonjudicial workforce.

This year we had to take this policy one step further. Beginning this year judgeships will not be filled for six months after they become vacant. This unprecedented action is a far cry from our practice of having new judges ready to take over on the date a vacancy occurs, but we have little choice. And this comes when the statutory formula for district judgeships shows we are thirty judges short.

Substantial Travel Cuts

On top of everything else, we have again cut our travel budget, nearly all of which we need just to ensure that all 99 counties see a district judge, court reporter, and juvenile court officers on a regular basis.

Pardon this digression, but I must tell you I was quite surprised to read in the newspaper last month that the amount spent on travel by state agencies has increased significantly in recent years. In stark contrast, Judicial Branch travel expenses have decreased nearly 22% in the past four years.

Impact on Public Service

I've heard it said by some legislators that the courts have not sacrificed enough. I say: look at the facts. The magnitude of the cuts I have just described clearly demonstrates that we have done our part to lessen the state's budgetary woes. I have slashed our expenses to the bone, and managed as best we can with the resources you have provided. Now the public is beginning to pay too high a price for the dollars we've saved. They are being short-changed.

This is the first time in Iowa's history that courts have closed for lack of funds. We all should be alarmed anytime courthouse doors are closed to those seeking justice.

The closures of clerk of court offices result in delays in case processing, and other vital services such as forwarding child support payments to parents, sending copies of court orders and notices of hearings, and providing up-to-date criminal history data to law enforcement.

Ruth Godfrey, Pottawattamie County Clerk of Court, says: "There have been times when notices for hearings were not issued in a timely manner; people didn't show up for hearings, and arrest warrants went out."

Closing clerk of court offices hinders many businesses that depend on information contained in court records. According to Jim Rosendahl, owner of Estherville Abstract, the court closure days have delayed real estate transactions, including the purchases of homes.

Some jury trials have been prolonged because of closure days. This is more than a mere inconvenience for litigants, witnesses, and jurors. It means one more day away from their workplace or business as well as more time away from family responsibilities.

Because of the cuts and closures, juvenile court officers have less time and opportunity to check on juvenile offenders. Juvenile Court Officer Al Blair tells me that the frequency of juvenile court services in Wright County was reduced this fall from two days a week to once a week. Also, he cannot visit juveniles placed in group care or Eldora on a regular basis.

Judges are traveling less to provide court services. Take for example, the juvenile court schedule for the Fourth Judicial District, which covers the southwest corner of the state. For years, eight of the nine counties in the district have had the service of a juvenile court judge one day a month. To begin with, this is not very often. Now these eight counties have a juvenile judge one day every other month. As a consequence of this reduced schedule, juveniles remain in detention longer.

Our chief juvenile court officers indicate that the travel cuts and disruptions in service undermine our ability to hold juvenile offenders accountable for their actions. At a minimum these service gaps increase expenses for county and state government, but ultimately the public pays the price in terms of diminished safety.

The travel cuts are causing problems for civil litigants as well. These cases involve dissolution of marriage, child support, personal injury, property damage, and contracts. For a few months this year, some counties without a resident judge did not have trials for non-jury civil cases. Litigants had to make a difficult choice: either travel to another county for a hearing where a judge is available or have their cases delayed. Either choice increases the cost of litigation.

Manchester Attorney Stephanie Rattenborg can attest to this. When faced with this dilemma, two of her clients, one who was involved in a paternity suit, and another who was a party in a dissolution of marriage action, decided to have their hearings as soon as possible. Attorney Rattenborg says: "My clients had to pay me significantly more in attorney fees to travel to and from the hearings. In addition, witnesses had to endure the significant inconvenience of further travel to be available to testify."

There are other reasons litigants must wait longer for resolution of their cases. As a result of cuts in support staff, judges must spend time retrieving court files, calling parties and witnesses waiting in courthouse corridors for trials, and making copies of documents. When judges must do these things, they have less time for hearings and decision making. This is not a question of whether or not a judge is above doing these things. It is simply a question of the most efficient use of the state's valuable and scarce judicial resources.

Because our clerk of court offices are overwhelmed with work, we've cut some services that, while important, are nevertheless discretionary. This summer the chief judges of the judicial districts ordered clerks to stop finding hospital placements for persons subject to involuntary commitment orders. This freed up time that clerks desperately need for other duties. Fortunately for people with mental health or substance abuse problems and their families, county officials, hospitals, and mental health providers stepped in to take over.

The extremely high vacancy rate we've maintained in recent years leaves many offices, particularly clerk of court offices, severely under-staffed. This money saving measure coupled with the forced leave days lowers productivity, causes more delays, and increases the risk of costly errors.

Craig Jorgensen, Woodbury County Clerk of Court says: "Thoroughness, accuracy, and dependability have been compromised, and timeliness is a constant struggle."

As you can see, services are eroding, delays are mounting, and access is decreasing. The short-term improvement in our bottom line will cost dearly in the long run; ultimately, the burden of the budget cuts falls on the public.

There are those who say we can solve these problems by working smarter and managing better. They simply do not know what has been going on. Because we take our stewardship of public funds seriously, we have done everything in our power over the years to streamline operations, stretch our resources farther, and reduce the cost of running the court system while maintaining quality service. And although we will continue to search for ways to operate more efficiently, efficiency measures won't fix the serious problems I've described.

Wheels of Justice

Remarkably, we continue to accomplish a great deal even within the confines of our limited means. Last year, our courts disposed of about one million cases that covered the gamut of issues, from felonies to family law, delinquency to domestic abuse, and traffic violations to torts.

Under the circumstances, you may wonder how the courts keep up to the extent that we do. All the credit for this belongs to our steadfast judges, magistrates, and staff. Faced with dwindling resources and an endless amount of work, they carry on undaunted, doing all they can to keep the justice system running as smoothly as possible. And they do so with dignity.

While we are immensely grateful for their sacrifices and devotion, and heartened by their indomitable spirit, we must face reality. Even the most productive and determined person can shoulder only so much. There comes a point when quality suffers and productivity drops.

If we stay on this path, court services won't necessarily come to a screeching halt. However, the result will be a steady erosion of access, service, and quality. We'll see more of the problems I described earlier, and they will snowball.

Funding Justice

With your help, we can stop this decline and prevent these problems. All it takes is a reasonable boost in operating funds and sufficient salary adjustment funds to cover rising personnel expenses. Naturally, we are fully aware of the state's budgetary constraints, and recognize the continued need for frugality. Therefore, we suggest only those improvements that are absolutely necessary and well within your means.

We recommend a modest supplemental appropriation that would be enough to restore basic services for the remainder of this fiscal year. For fiscal year 2006, we seek just enough to meet the public's demand for access and quality. The details of our recommendations are contained in our budget request that we submitted to you last month.

Importance of a Strong and Independent Judiciary

We, of course, know of the many demands being made upon you, and we appreciate the tough choices you are called upon to make. We trust that you appreciate the vital

nature of our work and the serious consequences we all will face if the condition of our court system worsens.

Justice is the essence of government, and a strong, reliable, and stable government is essential for a prosperous and harmonious democratic society. Without question, a strong judicial system ensures the overall well-being of our citizens, our communities, and our state.

Undoubtedly, everyone here is aware of recent events in Ukraine. In December, the Ukraine Supreme Court annulled the results of the country's disputed presidential election and ordered another election between the two main candidates. Political observers around the world were surprised the Court ordered a new run-off election, as opposed to starting the entire process from scratch—a course of action advocated by Ukraine's pro-Moscow government. Although Ukraine has struggled to establish a high quality and independent judiciary, its courts are reputed for caving in to interference and pressure from the government. However, in this instance, the Supreme Court's action demonstrates the critical value of a strong and independent judiciary. The Court resolved a crisis that threatened to destabilize Ukraine—politically, socially, and economically.

Coincidentally, in the late 1990s, our court met with a group of Ukraine lawyers and judges, as well as groups from Bosnia, Russia, and Moldova. They traveled to Iowa to study our judicial system, which they regard as a model of judicial independence and integrity. Others share this high opinion of our court system. For example, the U.S. Chamber of Commerce ranks our judiciary in the top five among all fifty state judicial systems for creating a fair and reasonable litigation environment. Our judiciary ranks high on the quality, competence, and impartiality of its judges, and the timeliness of dispositions.

Iowans have always prided themselves on the integrity and quality of all of their government institutions. It would be wrong to lower our standards. We're often reminded these days that government can't do everything. I agree. Government cannot do everything. But there are a few things that only government can do, and that it must do well. One of those is administering justice.

Promise of Justice

With so much at stake, it's time we ask ourselves if Iowans are getting the justice system they demand, the justice system they expect, and the justice system they deserve. I suggest that they are not. Surely, the state can afford to do better.

If you are not inclined to provide the level of funding we recommend, then I must caution you—we cannot continue on this downward path. It is neither a constructive nor a long-term solution. Rather, it is a recipe for failure.

Finally, let's remember always that the courts do not belong to the temporary incumbents, but rather to the people who sent all of us here. I believe that should those people, our constituents, ever need their day in court, they would expect open doors, full service, timely hearings, and prompt resolution of their disputes. And when the courts do not meet these expectations, the people look to us for real solutions—not empty promises. If we keep this foremost in our minds, I am confident that we can ensure Iowans have meaningful access to a high caliber court system, and we can make the promise of justice a reality.

Thank you.

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

Chief Justice Louis A. Lavorato was escorted from the House chamber by the committee previously appointed.

On motion by Jacobs of Polk the joint convention was dissolved at 10:48 a.m.

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

2005\13 Alice Sneller, Sioux Center – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 1

Education: Tymeson, Chair; Kaufmann and Wendt.

House File 2

Ways and Means: Boal, Chair; Huser, Shoultz, Soderberg and Struyk.

House File 13

Ways and Means: Tymeson, Chair; Kaufmann and Winckler.

House File 23

Ways and Means: Carroll, Chair; Hogg and Paulsen.

House File 24

Ways and Means: Boal, Chair; Huser, Shoultz, Soderberg and Struyk.

House File 25

Ways and Means: Tymeson, Chair; Boal and Davitt.

House File 26

Ways and Means: Boal, Chair; Huser, Shoultz, Soderberg and Struyk.

House File 27

Ways and Means: Tymeson, Chair; Boal and Davitt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 1**

Public Safety: Tjepkes, Chair; Dolecheck and Shoultz.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 7 Agriculture**

Relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

H.S.B. 8 Ways and Means

Expanding the child and dependent care credit under the individual income tax and including a retroactive applicability date.

H.S.B. 9 Judiciary

Relating to workers' compensation insurance, benefits, and settlements, and related nonoccupational disability benefits.

H.S.B. 10 Judiciary

Relating to the certain penalties for filing false affidavits under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

H.S.B. 11 Judiciary

Relating to the names of business entities.

H.S.B. 12 Judiciary

Relating to the health care providers included in the volunteer health care provider program.

H.S.B. 13 Judiciary

Relating to an individual's right of publicity, providing remedies, and including an applicability provision.

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. THOMPSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

Committee Bill (Formerly House Study Bill 2), relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

Fiscal note is not required.

Recommended **Do Pass** January 10, 2005.

Committee Bill (Formerly House Study Bill 3), relating to permanent rules of the House for the Eighty-first general assembly.

Fiscal note is not required.

Recommended **Amend and Do Pass** January 10, 2005.

RESOLUTIONS FILED

HCR 3, by Committee on Administration and Rules, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

Placed on the **Calendar**.

HR 4, by Committee on Administration and Rules, a resolution relating to permanent rules of the House for the Eighty-first general assembly.

Placed on the **Calendar**.

On motion by Jacobs of Polk the House adjourned at 10:51 a.m., until 8:45 a.m., Thursday, January 13, 2005.

JOURNAL OF THE HOUSE

Fourth Calendar Day - Fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 13, 2005

The House met pursuant to adjournment at 8:52 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Marvin Armpriester, pastor of Broadway United Methodist Church, Council Bluffs. He was the guest of Representative Paul Shomshor of Pottawattamie County.

The Journal of Wednesday, January 12, 2005 was approved.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

INTRODUCTION OF BILLS

House File 59, by Roberts, a bill for an act providing for the determination of partisan balance on boards and commissions and including an applicability provision.

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

House File 60, by Wise and Petersen, a bill for an act relating to economic development activities by creating the grow Iowa values board and fund and related boards and commissions, authorizing the issuance of bonds to provide economic development-related funding, allowing the creation of economic development regions, authorizing the certification of and development of cultural districts, providing tax credits, and making appropriations.

Read first time and referred to committee on **economic growth**.

House File 61, by Raecker, a bill for an act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or

for the general assembly and by political committees and state statutory political committees and providing an effective date.

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

House File 62, by Jones, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual Report on recommendations for inmates care, pursuant to Chapter 86(2)(b), Code of Iowa.

Annual submittal of the Five-Year Capital Building Program, pursuant to Chapter 262A.3, Code of Iowa.

DEPARTMENT OF ADMINISTRATIVE SERVICES

State's Comprehensive Annual Financial Report, pursuant to Chapter 307.21(c), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual Report of the Healthy and Well Kids in Iowa (hawk-i) Board, pursuant to Chapter 514.1(7)(g), Code of Iowa.

DEPARTMENT OF INSPECTIONS AND APPEALS

Report on the implementation of adult day services, pursuant to Chapter 165, Code of Iowa.

DEPARTMENT OF JUSTICE Office of Consumer Advocate

Estimate of return of a local exchange carrier operating under price regulation and report on Frontier Communications of Iowa, Inc., pursuant to Chapter 476.98, 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

- 2005\14 Millie Hulseberg, Williamsburg – For celebrating her 80th birthday.
- 2005\15 Vera Urfer, Malcom – For celebrating her 85th birthday.
- 2005\16 Raymond and LaVonne Friedrichsen, Mapleton – For celebrating their 50th wedding anniversary.
- 2005\17 Dr. John and Mrs. Arta Harman, Corydon – For celebrating their 50th wedding anniversary.
- 2005\18 Tressa Skramovsky, Conrad – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 5

Natural Resources: Rayhons, Chair; Arnold and Whitaker.

House File 16

Natural Resources: Arnold, Chair; Davitt and Rayhons.

House File 19

Appropriations: Watts, Chair; Jacobs and Kuhn.

House File 29

Local Government: Rasmussen, Chair; Arnold and Huser:

House File 31

Natural Resources: Baudler, Chair; Rayhons and Whitaker.

House File 39

Public Safety: Rayhons, Chair; Olson, R. and Van Engelenhoven.

House File 51

Public Safety: Horbach, Chair; Dolecheck and Reasoner.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 7

Agriculture: De Boef, Chair; Huseman and Mertz.

House Study Bill 8

Ways and Means: Kaufmann, Chair; Jochum and Paulsen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 14 Commerce, Regulation and Labor

Relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

H.S.B. 15 Commerce, Regulation and Labor

Relating to awards of noneconomic damages against health care providers.

H.S.B. 16 Judiciary

Providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

H.S.B. 17 State Government

Relating to certain leaves of absence for local civil service employees and providing for the Act's applicability.

H.S.B. 18 State Government

Providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

AMENDMENT FILED

H—1001	H.R.	4	Murphy of Dubuque
	Berry of Black Hawk		Bukta of Clinton
	Dandekar of Linn		Davitt of Warren
	Foege of Linn		Gaskill of Wapello
	Hogg of Linn		Lensing of Johnson
	Mascher of Johnson		McCarthy of Polk
	Miller of Webster		D. Olson of Boone

R. Olson of Polk
Pettengill of Benton
Reasoner of Union
Shomshor of Pottawattamie
T. Taylor of Linn
Wise of Lee

Petersen of Polk
Quirk of Chickasaw
Reichert of Muscatine
Shoultz of Black Hawk
Wessel-Kroeschell of Story
Zirkelbach of Jones

On motion by Gipp of Winneshiek the House adjourned at 9:00 a.m., until 9:30 a.m., Friday, January 14, 2005.

JOURNAL OF THE HOUSE

Fifth Calendar Day - Fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 14, 2005

The House met pursuant to adjournment at 9:33 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, Majority Leader of the House from Winneshiek County.

The Journal of Thursday, January 13, 2005 was approved.

INTRODUCTION OF BILLS

House File 63, by Raecker, a bill for an act relating to the operation of a vessel while a person is in the water and making a penalty applicable.

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

House File 64, by Petersen, a bill for an act relating to mandated coverage for mental health conditions, including substance abuse treatment services.

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

House File 65, by Jenkins, a bill for an act relating to inspection of final ballot proof copies by candidates for elected office and by judges standing for retention.

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

House File 66, by Reasoner, a bill for an act relating to the use of flashing lights on certain vehicles.

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

House File 67, by Reasoner, Heddens, Schickel, and Dolecheck, a bill for an act relating to the sales of beer kegs by requiring an

identification number on each keg of beer, recording of the purchase of beer by the keg, and providing penalties.

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

House File 68, by Heddens, a bill for an act relating to advance notification of the need to renew a driver's license.

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

House File 69, by Hogg, a bill for an act relating to the calculation of the amount of social security benefits received that are subject to individual income tax and including a retroactive applicability date provision.

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

House File 70, by Struyk, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

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

House File 71, by Petersen, a bill for an act relating to the prohibition of smoking in restaurants and bars and making penalties applicable.

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

House File 72, by Chambers, a bill for an act providing for contributions to the Iowa public employees' retirement system.

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

House File 73, by Schickel and Huser, a bill for an act relating to shared governmental functions among local governments by allowing certain cities and counties to be certified as freedom communities, providing incentives for such certification, and by modifying the establishment and authority of community clusters and related county enterprise authority, and providing an effective date.

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

House File 74, by Carroll, a bill for an act establishing parenting plans and providing an effective date.

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

House File 75, by Raecker and Elgin, a bill for an act providing for the restoration of the right to vote and hold elective office for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

2004 annual report for Iowa's Center for Agricultural Safety and Health, pursuant to Chapter 262.78, Code of Iowa.

DEPARTMENT OF COMMERCE

Annual report of the Iowa Utilities Board, pursuant to Chapter 476.66, 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

- | | |
|---------|---|
| 2005\19 | Margaret Kucera, Traer – For celebrating her 90 th birthday. |
| 2005\20 | Dorothy Burroughs, Traer – For celebrating her 80 th birthday. |
| 2005\21 | Martha Vogt, Reinbeck – For celebrating her 100 th birthday. |

SUBCOMMITTEE ASSIGNMENT

House File 52

Public Safety: Tjepkes, Chair; McCarthy and J.R. Van Fossen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 14**

Commerce, Regulation and Labor: Sands, Chair; Jacoby and Tomenga.

House Study Bill 15

Commerce, Regulation and Labor: Horbach, Chair; Freeman and J. Oldson.

AMENDMENTS FILED

H—1002	H.R.	4	Hogg of Linn
H—1003	H.R.	4	Hogg of Linn
H—1004	H.R.	4	Hogg of Linn

On motion by Pettengill of Benton the House adjourned at 9:37 a.m., until 10:00 a.m., Tuesday, January 18, 2005.

JOURNAL OF THE HOUSE

Ninth Calendar Day - Sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 18, 2005

The House met pursuant to adjournment at 10:05 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Joshua Sherman, pastor of Faith Baptist Church, Oelwein. He was the guest of Representative David Lalk of Fayette County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blake Wendt from LeMars, grandson of the Honorable Roger Wendt of Woodbury County.

The Journal of Friday, January 14, 2005 was approved.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual report on the Beginning Farmer Center at Iowa State University, pursuant to Chapter 266.39E, 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

2005\22 Lieutenant Colonel Joseph T. McCarthy – For his dedicated service to the United States of America as a member of both the United States Army and the National Guard since 1972, and engaging in every major conflict during that time period, including the Vietnam War, military actions in Somalia, Enduring Freedom, Desert Storm, Afghanistan and Iraqi Freedom, and for achieving the rank of Lieutenant Colonel.

- 2005\23 Rita Hohenshell, Des Moines – For celebrating her 80th birthday, and for her extensive record of community service, both state sanctioned and otherwise.
- 2005\24 Don and Janice Kelley, Woodbine – For celebrating their 50th wedding anniversary.
- 2005\25 Dallas and Merle Johnson, Mason City – For celebrating their 60th wedding anniversary.
- 2005\26 Delbert and Hazel Arndt, Mason City – For celebrating their 66th wedding anniversary.
- 2005\27 Richard Reuter, Waterloo – For celebrating his 85th birthday.
- 2005\28 Charles and Mary Lou Isley, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\29 Mark and Irma Leonard, Monticello – For celebrating their 50th wedding anniversary.
- 2005\30 Ernest and Irene Recker, Monticello – For celebrating their 60th wedding anniversary.
- 2005\31 Irvin and Ruby Toenjes, Anamosa – For celebrating their 65th wedding anniversary.
- 2005\32 Edwin Petersen, Davenport – For celebrating his 90th birthday.
- 2005\33 Alice Feeney, Davenport – For celebrating her 80th birthday.
- 2005\34 Tillie Mersbergen, Inwood – For celebrating her 94th birthday.
- 2005\35 Coba Slager, Hull – For celebrating her 100th birthday.
- 2005\36 August and Hazel Conrad, Audubon – For celebrating their 65th wedding anniversary.
- 2005\37 Ruth Wilson, Guthrie Center – For celebrating her 80th birthday.
- 2005\38 Donald Mapes, Stuart – For celebrating his 85th birthday.
- 2005\39 Albert and Evelyn Ehrenfried, Fontanelle – For celebrating their 70th wedding anniversary.
- 2005\40 Albert Ehrenfried, Fontanelle – For celebrating his 92nd birthday.
- 2005\41 Donald and Erma Schmidt, Dubuque – For celebrating their 55th wedding anniversary.

- 2005\42 Elmer and Marilyn Engling, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\43 Christian Bauer, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\44 Albert Ziesman, Eldora – For celebrating his 85th birthday.
- 2005\45 Gerald and Greta Newberry, North English – For celebrating their 63rd wedding anniversary.
- 2005\46 Pat and Rose Mary Shannon, Sigourney – For celebrating their 50th wedding anniversary.
- 2005\47 Matthew Allen Klinkhammer, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\48 Delbert Blunk, Bettendorf – For celebrating his 80th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 3

State Government: Drake, Chair; Jones and Quirk.

House File 4

State Government: Raecker, Chair; Bukta and Paulsen.

House File 7

Transportation: Rayhons, Chair; Jones and Whitaker.

House File 14

State Government: Raecker, Chair; Hutter and Wendt.

House File 17

State Government: Boal, Chair; Hutter and Whitead.

House File 37

State Government: Raecker, Chair; Gaskill and Roberts.

House File 45

Environmental Protection: Kurtenbach, Chair; Anderson and Kuhn.

House File 50

State Government: Hutter, Chair; T. Taylor and Upmeyer.

House File 57

State Government: Raecker, Chair; Boal and Jochum.

House File 58

Environmental Protection: S. Olson, Chair; D. Olson and Watts.

House File 59

State Government: Roberts, Chair; Jochum and Raecker.

House File 61

State Government: Raecker, Chair; Bukta and Paulsen.

House File 63

Natural Resources: Rayhons, Chair; Frevert and May.

House File 65

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

House File 72

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 9

Judiciary: Eichhorn, Chair; Carroll and Winckler.

House Study Bill 10

Judiciary: Kaufmann, Chair; Swaim and Tymeson.

House Study Bill 11

Judiciary: Anderson, Chair; Berry and Paulsen.

House Study Bill 12

Judiciary: Heaton, Chair; Boal and Jochum.

House Study Bill 13

Judiciary: Eichhorn, Chair; Hutter and R. Olson.

Oldson of Polk	D. Olson of Boone
R. Olson of Polk	Petersen of Polk
Pettengill of Benton	Quirk of Chickasaw
Reasoner of Union	Reichert of Muscatine
Schueller of Jackson	Shomshor of Pottawattamie
Shoultz of Black Hawk	Smith of Marshall
Swaim of Davis	D. Taylor of Linn
T. Taylor of Linn	Thomas of Clayton
Wendt of Woodbury	Wessel-Kroeschell of Story
Whitaker of Van Buren	Whitead of Woodbury
Winckler of Scott	Wise of Lee
Zirkelbach of Jones	Cohoon of Des Moines
Ford of Polk	

On motion by Gipp of Winneshiek the House adjourned at 10:21 a.m., until 8:45 a.m., Wednesday, January 19, 2005.

JOURNAL OF THE HOUSE

Tenth Calendar Day - Seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 19, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Michael Fitzsimmons, pastor of the First Presbyterian Church, Carroll. He was the guest of Representative Rod Roberts of Carroll County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, January 18, 2005 was approved.

INTRODUCTION OF BILLS

House File 76, by Heaton, a bill for an act relating to the penalties for a payor who knowingly fails to withhold income or pay amounts withheld under a support order.

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

House File 77, by Frevert, Wendt, D. Olson, Wessel-Kroeschell, Bukta, Smith and Kuhn, a bill for an act relating to confinement feeding operations by providing for the construction of structures associated with the operations.

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

House File 78, by Winckler, Lensing, Frevert, Berry, Mascher, Davitt, Shoultz, Reichert, Jochum, Cohoon, Lykam, Reasoner, D. Olson, Heddens, Foege, Fallon, Bell, R. Olson, Thomas, Wendt, D. Taylor, Hunter, Kuhn, Mertz, and Wessel-Kroeschell, a bill for an act relating to the establishment of a healthy Iowa for all program.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 79, by Frevert, Wendt, D. Olson, Bukta, and Winckler, a bill for an act relating to utilization of the district management levy to pay the cost of employee health insurance benefits.

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

House File 80, by Jochum, a bill for an act automatically restoring the right to vote and hold elective office for certain persons who have made full restitution and who have been discharged from probation, parole, or work release, or who have been released from confinement.

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

House File 81, by Jones, a bill for an act providing an exemption to the qualifications for school bus drivers for hearing-impaired individuals authorized to transport students or clients by the superintendent of the Iowa braille and sight saving school or the state school for the deaf.

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

House File 82, by Eichhorn, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

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

House File 83, by Miller, a bill for an act allowing the increased expensing allowance and the additional first-year depreciation allowance which were deductible for a tax year for which a tax return was filed prior to September 7, 2004, to be deducted on the return filed for the subsequent tax year and including an effective date provision.

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

House File 84, by Fallon, a bill for an act relating to a delinquent amount owed to a city utility, city enterprise, or combined city enterprise by a prior account holder for a utility service.

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

House File 85, by Heddens, a bill for an act eliminating the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

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

House File 86, by Whitaker, a bill for an act relating to agreement of all parties in the negotiation of the amount of support obligations and accrued support debts.

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

House File 87, by Hunter, a bill for an act relating to veterans, concerning employment preference and other related benefits.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 19, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 36, 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

HOUSE FILE 49 REREFERRED

The Speaker announced that the House File 49, previously referred to committee on **transportation** was rereferred to committee on **state government**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF EDUCATION

Report on the Team-Based Variable Pay: A Report of the Iowa Pilot Project, pursuant to Chapter 284.11, Code of Iowa.

Annual Report on Student Achievement and Accountability, pursuant to Chapter 284.12(1), Code of Iowa.

IOWA FINANCE AUTHORITY

Annual Performance Report for the Fiscal Year 2004, pursuant to Chapter 8E.210, 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

- | | |
|---------|--|
| 2005\49 | Orlen Creese, Charter Oak – For celebrating his 80 th birthday. |
| 2005\50 | Evelyn Iversen, Ida Grove – For celebrating her 80 th birthday. |
| 2005\51 | Lorraine Growth, Schleswig – For celebrating her 80 th birthday. |
| 2005\52 | Warren and Pat Thies, Ute – For celebrating their 50 th wedding anniversary. |
| 2005\53 | Lloyd and Noraline Lamborn, Monona – For celebrating their 60 th wedding anniversary. |
| 2005\54 | Clarion and Darlene Mathys, Wadena – For celebrating their 60 th wedding anniversary. |
| 2005\55 | Don and Pat Scheffert, Guttenberg – For celebrating their 50 th wedding anniversary. |
| 2005\56 | Marjorie Paulsen, Elgin – For celebrating her 90 th birthday. |
| 2005\57 | Ida Mae Schultz, Elkader – For celebrating her 80 th birthday. |

- 2005\58 Nancy Touil, Sioux City – For receiving a Glass Apple Award from Iowa First Lady Christie Vilsack, for her dedication and commitment to Iowa's children as a teacher and librarian.
- 2005\59 Zach Juhl, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\60 Corey Belt, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\61 Samantha Fritsch, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\62 Miranda Adams, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\63 Gretchen Jensen, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\64 Raquel Telfer, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\65 Nichole Pribyl, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\66 Matt Dawson, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\67 Stephen Heineke, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\68 Nate Heineke, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\69 Annie Johnson, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\70 Laura Simons, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\71 Rachel Rollins, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\72 Lauren Frodyma, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\73 Michael Wismont, Underwood – For being named to the Southwest Iowa Honor Marching Band.
- 2005\74 Alex Merz, Dubuque – For receiving 2nd place in the Essay Category of the 9th–12th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.

- 2005\75 Nathan Andrew Hall, Dubuque – For winning 1st place in the Essay Category of the 9th–12th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\76 Ryan Sauser, Dubuque – For receiving 2nd place in the Poster Category of the 9th–12th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\77 Keysha Schmit, Dubuque – For winning 1st place in the Poster Category of the 9th–12th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\78 Antonio Garza, Dubuque – For receiving 2nd place in the Essay Category of the 8th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\79 Kayla Siegworth, Dubuque – For winning 1st place in the Essay Category of the 8th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\80 Bradley Powers, Dubuque – For receiving 2nd place in the Poster Category of the 8th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\81 Laura Davis, Dubuque – For winning 1st place in the Poster Category of the 8th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\82 Claire Spryison, Dubuque – For winning 1st place in the Essay Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\83 Brandon Deggendorf, Dubuque – For receiving 2nd place in the Poster Category of the 7th grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\84 Sarah White, Dubuque – For winning 1st place in the Poster Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\85 Drew Gibson, Dubuque – For receiving 2nd place in the Multimedia Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\86 Brian Herther, Dubuque – For receiving 2nd place in the Multimedia Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\87 Erik Johnson, Dubuque – For receiving 2nd place in the Multimedia Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.

- 2005\88 Morgan VanOstrand, Dubuque – For winning 1st place in the Multimedia Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\89 Nichole Kaesbauer, Dubuque – For Winning 1st place in the Multimedia Category of the 7th grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\90 Tricia Ertl, Dubuque – For winning 1st place in the Multimedia Category of the 7th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\91 Peyton Michels, Dubuque – For receiving 2nd place in the Poster Category of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\92 Claire Quade, Dubuque – For winning 1st place in the Poster Category of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\93 Christopher Willauer, Dubuque – For winning 1st place in the Poster Catagory of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\94 Rachel Parkin, Dubuque – For winning 1st place in the Multimedia Category of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\95 Shannon Oltmanns, Dubuque – For receiving 2nd place in the Multimedia Category of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\96 Amber Decker, Dubuque – For receiving 2nd place in the Multimedia Category of the 6th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\97 Jordan Lattner, Dubuque – For winning 1st place for his essay in the 5th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\98 Bradley Mieke, Dubuque – For receiving 2nd place for his poster in the 5th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\99 Kelsie Von Hollen, Dubuque – For winning 1st place for her poster in the 5th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\100 Morgan Dolan, Dubuque – For receiving 2nd place for her essay in the 4th grade Division of the 2004 Martin Luther King Jr. Tribute Contest.

- 2005\101 Molly O'Brien, Dubuque – For winning 1st place for her essay in the 4th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\102 Emily Schroeder, Dubuque – For receiving 2nd place for her poster in the 4th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\103 Jaquille Williams, Dubuque – For winning 1st place for his poster in the 4th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\104 Jenna Reichel, Dubuque – For receiving 2nd place for her essay in the 3rd Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\105 Kate Banwarth, Dubuque – For winning 1st place for her essay in the 3rd Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\106 Beatrix Loewen, Dubuque – For receiving 2nd place for her poster in the 3rd Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\107 Amber Leytem, Dubuque – For winning 1st place for her poster in the 3rd Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\108 John Ott, Dubuque – For receiving 2nd place for his poster in the 2nd Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\109 Joseph Duehr, Dubuque – For receiving 2nd place for his poster in the 1st Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\110 Adeline Jochum, Dubuque – For winning 1st place for her poster in the 1st Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\111 Michael Banwarth, Dubuque – For receiving 2nd place for his poster in the Kindergarten Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\112 Matthew Swanson, Ollie – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\113 Michael Molkenthin, Ollie – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\114 Alex Stork, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.

- 2005\115 Jaxson Armstrong, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.
- 2005\116 Luke Symonds, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.
- 2005\117 Jordan Kopp, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.
- 2005\118 Shay Kaufman, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.
- 2005\119 Dayton Amdor, CAM Middle School – For being a member of the 7th Grade Boys Basketball Squad that went undefeated with a record of 11–0, and for being commended by many opposing teams for his excellent sportsmanship.
- 2005\120 Jim and Nada McClean, Ames – For celebrating their 60th wedding anniversary.
- 2005\121 Ben Chambers, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 15

Judiciary: Boal, Chair; Eichhorn and Lensing.

House File 30

Judiciary: Alons, Chair; J.R. Van Fossen and Winckler.

House File 33

Human Resources: Hutter, Chair; Smith and Tymeson.

House File 55

Education: Raecker, Chair; Hogg and Schickel.

House File 74

Human Resources: Carroll, Chair; Hunter and Tymeson.

House File 79

Education: Dolecheck, Chair; Carroll and Oldson.

House File 81

Education: Roberts, Chair; Foege and Soderberg.

House File 82

Education: Schickel, Chair; Bukta and Tomenga.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 6**

Human Resources: Wilderdyke, Chair; Berry and Tomenga.

House Study Bill 21

State Government: Greiner, Chair; Boal and Lensing.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 22 Human Resources**

Relating to the compensation of podiatrists under group health insurance policies or health maintenance organization contracts.

H.S.B. 23 Human Resources

Relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers, and providing an effective date.

H.S.B. 24 Public Safety

Allowing an advanced registered nurse practitioner to certify an alleged intoxicated driver's death or other incapacitated state for purposes of chemical testing and to administer a chemical test of bodily fluids, without a warrant, to a person suspected of driving while intoxicated.

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 EDUCATION

House File 1, 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.

Fiscal Note is not required.

Recommended **Do Pass** January 18, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 23), to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to September 7, 2004, to be deducted on the return filed for the subsequent tax year and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and do pass** January 18, 2005.

AMENDMENTS FILED

H—1006	S.F.	36	Paulsen of Linn
H—1007	H.F.	1	Paulsen of Linn

On motion by Jacobs of Polk the House adjourned at 8:59 a.m., until 8:45 a.m., Thursday, January 20, 2005.

JOURNAL OF THE HOUSE

Eleventh Calendar Day - Eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 20, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Tom Sands, state representative from Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, January 19, 2005 was approved.

INTRODUCTION OF BILLS

House File 88, by Elgin, a bill for an act establishing sales-tax-free weekends in each calendar quarter.

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

House File 89, by Jochum, Smith, Pettengill, Swaim, Jacoby, Ford, Whitaker, Schueller, Cohoon, Bell, Fallon, Miller, Hogg, Shoultz, Mascher, Lensing, Whitead, Kressig, Winckler, Wendt, Berry, Wessel-Kroeschell, Thomas, Heddens, Dandekar, Kuhn, D. Taylor, R. Olson, Bukta, Foege, Shomshor, Reichert, Reasoner, Mertz, Zirkelbach and Gaskill, a bill for an act relating to third-party payment of health care coverage costs for mental health conditions, including alcohol or substance abuse treatment services.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 90, by Wilderdyke, a bill for an act permitting residential elevators to be used in certain churches to transport persons with special needs.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 91, by May, a bill for an act providing for the compensation of members of a county commission of veteran affairs.

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

House File 92, by Tymeson, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

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

House File 93, by Huser and Raecker, a bill for an act relating to the electronic and written filing of personal financial disclosure statements, lobbyist registration statements, lobbyist reports, and lobbyist's client reports with the Iowa ethics and campaign disclosure board and the general assembly.

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

House File 94, by Kurtenbach, a bill for an act requiring the establishment of alternative defined contribution retirement systems for elementary and secondary school teachers and public hospital employees.

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

House File 95, by Foegen, a bill for an act relating to authorization for a county commissioner of elections to appoint certain high school students to serve as precinct election board members.

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

House File 96, by Elgin, a bill for an act modifying allocations and apportionments of road use tax funds.

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

House File 97, by Hogg and Dandekar, a bill for an act creating a small business development program and fund.

Read first time and referred to committee on **economic growth**.

House File 98, by Hogg and Dandekar, a bill for an act relating to criteria and incentives under the new capital investment program and providing effective date and retroactive applicability provisions.

Read first time and referred to committee on **economic growth**.

House File 99, by Hogg and Dandekar, a bill for an act establishing a regulatory efficiency commission.

Read first time and referred to committee on **economic growth**.

House File 100, by Reichert, Lukan and Thomas, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing effective and applicability dates.

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

House File 101, by Lukan, Struyk, Kaufmann and S. Olson, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

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

House File 102, by committee on ways and means, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

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

House File 103, by Roberts, a bill for an act relating to certain commercial dock permits and providing an effective date.

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

House File 104, by Raecker, Jacobs and Huser, a bill for an act prohibiting the publication of certain false statements of fact made with actual malice concerning a candidate for public office and providing remedies.

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

SENATE MESSAGE CONSIDERED

Senate File 36, by committee on education, 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 **passed on file**.

COMMITTEE APPOINTMENT

The Speaker announced the removal of Representative Jim Lykam from the Administration and Regulation Appropriations Subcommittee effective Tuesday, January 11, 2005. Representative Mary Gaskill was appointed in his place.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Estimated Fiscal Year 2004 increased costs with the use of Iowa Communications Network, 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

- 2005\122 Roy and Lucy Hoppe, Sheldon – For celebrating their 50th wedding anniversary.
- 2005\123 Jeff and Cindy Pearson, Everly – For receiving the 2004 Clay County Cattlemen Association Outstanding Cattlemen of the Year Award.
- 2005\124 Bev Schumann, Hartley – For receiving a Glass Apple Award from Iowa's First Lady Christie Vilsack, for her dedication and commitment to Iowa's children as a teacher and librarian.
- 2005\125 Freda Vander Meulen, Ocheyedan – For celebrating her 90th birthday.
- 2005\126 Wilfred and Dalorus Gaudian, Primghar – For celebrating their 50th wedding anniversary.
- 2005\127 Mr. and Mrs. Alvin Korthaus, Davenport – For celebrating their 50th wedding anniversary.
- 2005\128 Cecil and Elva Bearden, Tama – For celebrating their 50th wedding anniversary.
- 2005\129 Mr. and Mrs. Warren Darland, Eldridge – For celebrating their 65th wedding anniversary.
- 2005\130 Charles Loussaert, Long Grove – For celebrating his 80th birthday.
- 2005\131 Leon and Alice Timmerman, Bennett – For celebrating their 70th wedding anniversary.
- 2005\132 Alice Timmerman, Bennett – For celebrating her 91st birthday.
- 2005\133 Leon Timmerman, Bennett – For celebrating his 92nd birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 49

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

House File 73

Local Government: Schickel, Chair; Huser and Jones.

House File 75

State Government: Raecker, Chair; Elgin and Lensing.

House File 76

Human Resources: Lukan, Chair; Granzow and Wendt.

House File 80

State Government: Raecker, Chair; Elgin and Lensing.

House File 85

State Government: Tomenga, Chair; Roberts and Whitead.

House File 87

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

House File 91

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

House File 94

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

House File 100

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 20**

Education: Paulsen, Chair; Cohoon and Granzow.

House Study Bill 22

Human Resources: Wilderdyke, Chair; Berry and Tomenga.

House Study Bill 23

Human Resources: Wilderdyke, Chair; Berry and Tomenga.

House Study Bill 24

Public Safety: Eichhorn, Chair; Berry and Sands.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 25 State Government

Restricting executive branch authority to transfer appropriations between departments.

H.S.B. 26 Education

Providing supplementary weighting for pupils attending classes taught via the Iowa communications network.

H.S.B. 27 Education

Eliminating Code provisions relating to extended school programs.

H.S.B. 28 Education

Relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

H.S.B. 29 State Government

Relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

H.S.B. 30 Judiciary

A concurrent resolution requesting the legislative council to establish an interim committee to examine issues relating to the need for, benefits of establishing, and functions of a friend of the court agency to provide services to persons involved in domestic relations cases.

H.S.B. 31 Local Government

Relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's internet website.

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 PUBLIC SAFETY

Committee Bill (Formerly House File 51), relating to the criminal penalty surcharge, creating a criminalistics laboratory fund, and appropriating criminal penalty surcharge moneys to the fund.

Fiscal Note is not required.

Recommended Amend and Do Pass January 20, 2005.

AMENDMENTS FILED

H—1008	H.F.	1	Wendt of Woodbury
H—1009	H.R.	4	Gaskill of Wapello
H—1010	H.R.	4	Gaskill of Wapello
H—1011	H.F.	1	Wendt of Woodbury
Fallon of Polk			Jochum of Dubuque
Winckler of Scott			Lensing of Johnson
Kuhn of Floyd			Bukta of Clinton
Whitead of Woodbury			Ford of Polk
Swaim of Davis			Shoultz of Black Hawk
Thomas of Clayton			Gaskill of Wapello
D. Olson of Boone			Bell of Jasper
D. Taylor of Linn			Heddens of Story
R. Olson of Polk			Schueller of Jackson
Mertz of Kossuth			Wessel-Kroeschell of Story
Berry of Black Hawk			Oldson of Polk
Mascher of Johnson			
H—1012	S.F.	36	Wendt of Woodbury
H—1013	S.F.	36	Wendt of Woodbury
Fallon of Polk			Jochum of Dubuque
Winckler of Scott			Lensing of Johnson
Kuhn of Floyd			Bukta of Clinton

Whitead of Woodbury
Swaim of Davis
Thomas of Clayton
D. Olson of Boone
D. Taylor of Linn
R. Olson of Polk
Mertz of Kossuth
Berry of Black Hawk
Mascher of Johnson

Ford of Polk
Shoultz of Black Hawk
Gaskill of Wapello
Bell of Jasper
Heddens of Story
Schueller of Jackson
Wessel-Kroeschell of Story
Oldson of Polk

On motion by Gipp of Winneshiek the House adjourned at 9:00 a.m., until 9:00 a.m., Friday, January 21, 2005.

JOURNAL OF THE HOUSE

Twelfth Calendar Day - Ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, January 21, 2005

The House met pursuant to adjournment at 9:04 a.m., Gipp of Winneshiek in the chair.

The Journal of Thursday, January 20, 2005 was approved.

INTRODUCTION OF BILLS

House File 105, by Hunter, Lensing, R. Olson, Swaim, Wessel-Kroeschell, D. Taylor, Wendt, Mascher, Kuhn, Gaskill, Murphy, Schueller, Whitaker, Shoultz, D. Olson and Cohoon, a bill for an act to increase the state minimum hourly wage rate requirements.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 106, by Miller, McCarthy, Baudler and J.R. Van Fossen, a bill for an act relating to body piercing and providing penalties.

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

House File 107, by Hunter, Lensing, R. Olson, Wessel-Kroeschell, D. Taylor, Wendt, Gaskill, Murphy, Schueller, Shoultz, D. Olson and Cohoon, a bill for an act relating to the provision of certain information for insureds regarding external review of health care coverage decisions.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 108, by Struyk, a bill for an act prohibiting the use of spinner hubcaps and providing a penalty.

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

House File 109, by Jenkins, a bill for an act concerning the determination of partisan balance on boards and commissions.

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

House File 110, by Struyk, a bill for an act relating to telephone solicitations including the establishment of a state do-not-call database, providing for certain restrictions on telephone solicitors, and providing for a fee, penalties, and remedies.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 111, by Jochum, a bill for an act relating to an increase in the state minimum wage.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 112, by Struyk, a bill for an act concerning the use of moneys appropriated but unexpended for certain vacant state employee positions.

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

House File 113, by Chambers, a bill for an act expanding the criminal offense of involuntary manslaughter, and providing a penalty.

Read first time and referred to committee on **public safety**.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated.

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Research Assistant	Marc A. Elcock	24-1 to	S-O	04-21-04
Administrative		27-2	PFT	
Assistant to Leader				
Legislative Research	Timothy R. Coonan	27-2 to	PFT	12-31-04
Analyst		27-3		
Administrative	Allison G. Dorr Kleis	32-3 to	PFT	12-31-04
Assistant II To Speaker		32-4		
Confidential Secretary	Becky L. Lorenz	27-4 to	PFT	12-31-04
to Speaker		27-5		
Senior Caucus Staff	Jeffrey G. Mitchell	41-5 to	PFT	12-31-04
Staff Director		41-6		
Sergeant-at-Arms	Wilbur N. Rhoads	17-2 to	S-O	12-31-04
		17-3		
Assistant Bill Clerk	Elaine Platt	12-1	S-O	01-06-05
Assistant Editor	Angela T. Cox	19-1	EFT	01-07-05
Doorkeeper	James Glenn	11-1	S-O	01-07-05
Legislative Committee	Juliana P. Anderson	17-1 to	S-O	01-10-05
Secretary				
Legislative Secretary		15-1		
Legislative Committee	Cheryl K. Arnold	17-2	S-O	01-10-05
Secretary				
Legislative Secretary	Harry W. Flipping, Jr.	16-1 to	S-O	01-10-05
		15-1		
Legislative Secretary	Judith M. Bernau.	15-1	S-O	01-10-05
Legislative Secretary	Valerie J. Biddick	16-1	S-O	01-10-05
Legislative Secretary	Devin L. Boerm	17-2	S-O	01-10-05
Legislative Secretary	Kathleen L. Boggs	16-1	S-O	01-10-05
Legislative Secretary	Beverly A. Burns	15-1 to	S-O	01-10-05
		17-1		
Legislative Committee	Chad R. Burton	17-1	S-O	01-10-05
Secretary				
Legislative Committee	Joni M. Carroll	17-1	S-O	01-10-05
Secretary				
Legislative Secretary	Shirley M.	16/6+2 to	S-O	01-10-05
	Danskin-White	15/6+2		
Legislative Secretary	Mary K. Davis	16-2 to	S-O	01-10-05
		15-2		
Legislative Secretary	Aaron J. DeKock	16-1 to	S-O	01-10-05
Legislative Committee		17-1		
Secretary	Clinton M. Fichter	16-1	S-O	01-10-05
Legislative Secretary	Kelley A. Fifer	17-2 to	S-O	01-10-05
Legislative Committee				
Secretary		17-2		
Legislative Secretary	David Frost	15-1	S-O	01-10-05
Legislative Secretary	Martha L. Fullerton	15-2 to	S-O	01-10-05
		17-2		
Legislative Secretary	Ezekiel L. Furlong	16-1	S-O	01-10-05
Legislative Secretary	Adriann E. Gerardi	15-1	S-O	01-10-05

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary Legislative Committee Secretary	Camille B. Gjovig	16-2 to 17-2	S-O	01-10-05
Legislative Secretary Legislative Committee Secretary	Autumn L. Griffieon Deborah Helsen	15-1 17-1	S-O S-O	01-10-05 01-10-05
Legislative Secretary Legislative Committee Secretary	Daniel W. Huitink H. Kay Jenkins	16-1 18-3 to 17-3	S-O S-O	01-10-05 01-10-05
Legislative Secretary Legislative Secretary Legislative Secretary Legislative Secretary Legislative Secretary Legislative Committee Secretary	Kim Jones Elizabeth A. Junk Cathy S. Jury Julie M. Heun Robert F. Kaufmann Kendra L. Kehoe	15-1 16-1 16-6 15-1 16-1 17-1	S-O S-O S-O S-O S-O S-O	01-10-05 01-10-05 01-10-05 01-10-05 01-10-05 01-10-05
Legislative Secretary Legislative Secretary Legislative Secretary Legislative Committee Secretary	Josie L. Klingaman Erin T. Kreiman Anthony J. Kruse	16-1 16-1 16-1 to 17-1	S-O S-O S-O	01-10-05 01-10-05 01-10-05
Legislative Secretary Legislative Secretary	Alex J. Kuhn Debrah L. Lalk	16-1 16-1 to 17-1	S-O S-O	01-10-05 01-10-05
Legislative Secretary Legislative Secretary Legislative Secretary	Kombiz Lavasany Jennifer Lunsford Susan M. Mahedy- Ridgway	16-1 17-1 16-1 to 17-1	S-O S-O S-O	01-10-05 01-10-05 01-10-05
Legislative Committee Secretary	Marlene J. Martens	17-4 to 16-4	S-O	01-10-05
Legislative Secretary Legislative Secretary Legislative Secretary Legislative Secretary	Linda L. McCarthy Katherine McCaskey John McCormally Clark E. McMullen	16-1 17-1 15-1 15-2 to 16-2	S-O S-O S-O S-O	01-10-05 01-10-05 01-10-05 01-10-05
Legislative Secretary Legislative Secretary	Catherine H. Mears Susan G. Meimann	17-1 16-1 to 15-1	S-O S-O	01-10-05 01-10-05
Legislative Committee Secretary	Laura Mommsen	17-1	S-O	01-10-05
Legislative Secretary Legislative Committee Secretary Legislative Secretary	Janet Parrish Martha S. Raecker Janet R. Ramsay	15-1 18-2 17-2 18-3 to 16-3	S-O S-O S-O	01-10-05 01-10-05 01-10-05
Legislative Secretary Legislative Secretary	Courtney M. Rickert Melodie Schueller	15-1 15-1	S-O S-O	01-10-05 01-10-05

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff Date</u>
Legislative Secretary	Patricia J. Simmons	15-1	S-O	01-10-05
Legislative Secretary	Melissa R. Singer	17-1 to 16-1	S-O	01-10-05
Legislative Secretary	Virginia Sourbeier	17-3	S-O	01-10-05
Legislative Secretary	Sadie L. Stellish	15-1 to 16-1	S-O	01-10-05
Legislative Committee Secretary	Nicholas L. Sunderbruch	17-2 to	S-O	01-10-05
Legislative Secretary		16-2		
Legislative Secretary	Gary M. Thelen	15-1 to 16-1	S-O	01-10-05
Legislative Secretary	Jessica J. Van Fossen	16-1	S-O	01-10-05
Legislative Secretary	Darlene A. Van Oort	18-3 to 18-4	S-O	01-10-05
Legislative Committee Secretary	Amanda H. Wacha	17-1 to	S-O	01-10-05
Legislative Secretary		16-1		
Legislative Secretary	Yvonne S. Welshhons	15-1 to 16-1	S-O	01-10-05
Legislative Secretary	David H. White	16-1	S-O	01-10-05

PAGES-GROUP I

Speaker's Page	Kyle H. Groote	9-1		S-O
Chief Clerk's Page	Maison B. Bleam	9-1		S-O
Chief Clerk's Page	Ashlee A. Drake	9-1		S-O
Page	Jennifer M. Danilson	9-1		S-O
Page	Kaci M. Dannatt	9-1		S-O
Page	Tyler J. Dorin	9-1		S-O
Page	Spenser J. Frank	9-1		S-O
Page	Holly A. Grieder	9-1		S-O
Page	Erin M. Hopp	9-1		S-O
Page	Anthony R. Menendez	9-1		S-O
Page	Sara J. Micetich	9-1		S-O
Page	Sarita A. Patnaik	9-1		S-O
Page	Josie M. Rundlett	9-1		S-O
Page	Tyler C. Schipper	9-1		S-O
Page	Emily M. Schirmer	9-1		S-O
Page	Larry E. Sheely	9-1		S-O
Page	Andrea M. Skoog	9-1		S-O
Page	Sarah M. Staron	9-1		S-O

PAGES-GROUP II

Page	Erica Ann Ellison	9-1		S-O
Page	Megan L. Hess	9-1		S-O
Page	Amy Hulstein	9-1		S-O
Page	Benjamin L. Johansen	9-1		S-O

Page	Kelsey J. Klaver	9-1	S-O
Page	Christina J. Running	9-1	S-O
Page	Mitchell J. Schaben	9-1	S-O
Page	Karalyn J. Stott	9-1	S-O
Page	William M. Tuthill	9-1	S-O
Page	Benjamin W. Varley	9-1	S-O

The following is a list of changes for the officers and employees of the Joint Senate/House and their recommended classification grades and steps:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Security Officer I	Steven D. Marsh	20-3	P-FT	07-30-04
Legislative Security Officer II	Shawna S. Ferguson	23-2 to 23-3	P-FT	12-31-04
Legislative Security Officer I	Kent M. Stevens	20-2	P-FT	12-31-04
Legislative Security Officer I	Curtis L. Scott	20-1	P-FT	01-03-05
Sr. Copy Center	Shirley Roach Operator	21-6	P-PT	01-07-05

The following are resignations from the officers and employees of the Joint Senate/House:

Legislative Security Officer I	Trudy L. Paulson		11-30-04
Legislative Security Officer I	Kert J. Schnell		12-30-04

SPONSOR ADDED
(House Files 46 and 89)

Murphy of Dubuque requests to be added as a sponsor of House Files 46 and 89.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF COMMERCE
Iowa Utilities Board

Report on the current status of local telecommunications in Iowa, pursuant to Chapter 476.29(15), Code of Iowa.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Semi-Annual report on progress on the Value-Added Agricultural Products and Processes Financial Assistance Program, pursuant to Chapter 15E.111(8), Code of Iowa.

SUBCOMMITTEE ASSIGNMENT

House File 90

Commerce, Regulation and Labor: Wilderdyke, Chair; Struyk and D. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 25

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 26

Education: Chambers, Chair; Tomenga and Wise.

House Study Bill 27

Education: Soderberg, Chair; Carroll and Mascher.

House Study Bill 28

Education: Tymeson, Chair; Kaufmann and Winckler.

House Study Bill 30

Judiciary: Alons, Chair; Kaufmann and Winckler.

House Study Bill 31

Local Government: Tjepkes, Chair; D. Olson and Schickel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 32 Commerce, Regulation and Labor

Authorize public utilities providing natural gas service to impose an infrastructure system replacement surcharge for the recovery of costs of certain infrastructure system replacements.

H.S.B. 33 State Government

Providing for negotiated rulemaking.

H.S.B. 34 State Government

Relating to the request for a regulatory analysis.

On motion by Dolecheck of Ringgold the House adjourned at 9:07 a.m., until 1:00 p.m., Monday, January 24, 2005.

JOURNAL OF THE HOUSE

Fifteenth Calendar Day - Tenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 24, 2005

The House met pursuant to adjournment at 1:12 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Van Rathbun, pastor of Central Reform Church, Sioux Center. He was the guest of Dwayne Alons from Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troup #29 from DeWitt, accompanied by Assistant Troup Leaders Leo Muller and Kurt Sager. They were the guests of Representative Steve Olson from Clinton County.

The Journal of Friday, January 21, 2005 was approved.

INTRODUCTION OF BILLS

House File 114, by Struyk, Dandekar, Huser, Mertz, Lukan, Baudler, Tjepkes and S. Olson, a bill for an act prohibiting consideration of certain traffic accidents occurring in the course of an Iowa state patrol member's employment in establishment of motor vehicle insurance rates.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 115, by Sands, a bill for an act providing for the licensing and regulation of mortgage originators, providing fees and penalties, and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 116, by Struyk, Mertz, Dandekar and Lukan, a bill for an act allowing certain senior residents to hunt deer during the youth and severely disabled deer hunting season.

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

House File 117, by Struyk, Huser, Mertz, Petersen and Lukan, a bill for an act establishing a regulatory efficiency commission.

Read first time and referred to committee on **economic growth**.

House File 118, by Granzow, a bill for an act relating to school reorganization by allowing certain landowners in a reorganizing school district to petition to join a contiguous school district.

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

House File 119, by Swaim, a bill for an act providing an appropriation for the older Iowans legislature.

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

The House stood at ease at 1:19 p.m., until the fall of the gavel.

The House resumed session at 2:09 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 1, 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, with report of committee recommending passage, was taken up for consideration.

The following amendments were withdrawn by unanimous consent:

Amendment H-1007 filed by Paulsen of Linn on January 19, 2005.

Amendment H-1008 filed by Wendt of Woodbury on January 20, 2005.

Wendt of Woodbury offered the following amendment H-1011 filed by him and Fallon of Polk and moved its adoption:

H-1011

- 1 Amend House File 1 as follows:
- 2 1. Page 1, line 7, by striking the word "four"
- 3 and inserting the following: "six".

Roll call was requested by Wendt of Woodbury and Fallon of Polk.

On the question "Shall amendment H-1011 be adopted?" (H.F. 1)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1011 lost.

SENATE FILE 36 SUBSTITUTED FOR HOUSE FILE 1

Tymeson of Madison asked and received unanimous consent to substitute Senate File 36 for House File 1.

Senate File 36, 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, was taken up for consideration.

The following amendments were withdrawn by unanimous consent:

Amendment H-1006 filed by Paulsen of Linn on January 19, 2005.

Amendment H-1012 filed by Wendt of Woodbury on January 20, 2005.

Amendment H-1013 filed by Wendt of Woodbury et al., on January 20, 2005.

Dix of Butler asked unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H-1015 filed by him from the floor.

Objection was raised.

Amendment H-1015 filed by Dix of Butler was placed out of order.

Tymeson of Madison 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. 36)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting, none.

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 36** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 120, by Smith, a bill for an act relating to substitute decision making and guardians and conservators, providing for the collection and appropriation of fees, and making an appropriation.

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

House File 121, by Elgin, a bill for an act relating to registration and use of antique motor vehicles.

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

House File 122, by Dandekar, Jacobs, Petersen, Huser and Upmeyer, a bill for an act creating a women entrepreneurs in business program.

Read first time and referred to committee on **economic growth**.

House File 123, by committee on public safety, a bill for an act relating to the criminal penalty surcharge and creating a criminalistics laboratory fund.

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

SPONSOR ADDED
(House Files 12, 20 and 22)

Swaim of Davis requested to be added as a sponsor of House Files 12, 20 and 22.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN SERVICES
Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury
Commission

System redesign progress report, pursuant to Chapter 35(1), 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

2005\134	Joe and Lorna Ruley, Oxford Junction – For celebrating their 50 th wedding anniversary.
2005\135	Caroll Louks, Nevada – For celebrating his 90 th birthday.
2005\136	Harold Childers, Story City – For celebrating his 80 th birthday.

- 2005\137 Rex and Esther Gross, Colo – For celebrating their 50th wedding anniversary.
- 2005\138 Nelland and Inez Sesker, Maxwell – For celebrating their 60th wedding anniversary.
- 2005\139 Lee and Helen Zook, Story City – For celebrating their 65th wedding anniversary.
- 2005\140 George McCoy, Moscow – For celebrating his 88th birthday.
- 2005\141 Don and Marlys Schmidt, Hawarden – For celebrating their 50th wedding anniversary.
- 2005\142 Earl and Helena Cavanaugh, Waterloo – For celebrating their 65th wedding anniversary.
- 2005\143 Gladys Homolar, Waterloo – For celebrating her 88th birthday.
- 2005\144 Charles Shinnors, Davenport – For celebrating his 80th birthday.
- 2005\145 Amos Oakland, Hubbard – For celebrating his 80th birthday.
- 2005\146 Gerald and Irene Shayer, Tama – For celebrating their 60th wedding anniversary.
- 2005\147 Hilda Christensen, Audubon – For celebrating her 95th birthday.
- 2005\148 Cecil and Jean Zehr, Fairfield – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 93

State Government: Raecker, Chair; Bukta and Paulsen.

House File 104

State Government: Raecker, Chair; Roberts and T. Taylor.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 29

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House Study Bill 32

Commerce, Regulation and Labor: Wilderdyke, Chair; Quirk and Soderberg.

House Study Bill 33

State Government: Roberts, Chair; Quirk and Raecker.

House Study Bill 34

State Government: Roberts, Chair; Quirk and Raecker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 35 Ways and Means**

Updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

H.S.B. 36 Ways and Means

Relating to the utility replacement tax task force.

H.S.B. 37 Environmental Protection

Relating to accounts and fees under the water quality protection fund.

H.S.B. 38 State Government

Relating to the issuance of hunting and fishing combined licenses to certain veterans.

H.S.B. 39 State Government

Relating to funds in an account for a state veterans cemetery and providing an effective date.

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 PUBLIC SAFETY

Committee Bill (Formerly House File 51), relating to the criminal penalty surcharge, creating a criminalistics laboratory fund, and appropriating criminal penalty surcharge moneys to the fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 20, 2005.

Pursuant to Rule 31.7, House File 123 was referred to the committee on ways and means.

AMENDMENT FILED

H—1014 H.F. 102 Carroll of Poweshiek

On motion by Gipp of Winneshiek the House adjourned at 3:10 p.m., until 8:45 a.m., Tuesday, January 25, 2005.

JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 25, 2005

The House met pursuant to adjournment at 8:56 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Janette Scott, pastor of Central Presbyterian Church, Des Moines. She was the guest of Representative Libby Jacobs of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, January 24, 2005 was approved.

HOUSE FILE 1 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 1 from further consideration by the House.

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 9:14 a.m., Speaker Rants in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 9:14 a.m., until 4:45 p.m.

AFTERNOON SESSION

The House reconvened at 4:46 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 124, by Van Engelenhoven, a bill for an act relating to the sales of beer kegs by requiring an identification number on each

keg of beer, recording of the purchase of beer by the keg, and providing penalties.

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

House File 125, by Gaskill, a bill for an act creating a criminal offense for strangulation, and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 126, by Jenkins, a bill for an act relating to driving in the passing lane on certain multilaned highways and providing a penalty.

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

House File 127, by Swaim, a bill for an act regulating dangerous animals, including their possession, requiring registration, and providing penalties.

Read first time and referred to committee on **public safety**.

House File 128, by Reasoner, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

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

House File 129, by Murphy and Raecker, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

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

House File 130, by Winckler, Lensing, D. Olson, Wendt, Reichert, Berry, Wessel-Kroeschell, Whitead, Lykam, Davitt, Ford, Mascher, Mertz, Hunter, D. Taylor, Shomshor, Thomas, Cohoon, Bell, Foege, Zirkelbach, Reasoner, Shoultz and Bukta, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

House File 131, by Roberts, a bill for an act relating to the required education and training for dental assistants.

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

House File 132, by Greiner, a bill for an act relating to the administration of units of government associated with soil and water conservation, including transferring the soil conservation division of the department of agriculture and land stewardship to the department of natural resources, and making name changes.

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

House File 133, by Greiner, a bill for an act establishing a dentist recruitment program and revolving fund and making an appropriation.

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

House File 134, by J.K. Van Fossen, a bill for an act requiring special notice and analysis for any rulemaking having a substantial impact on small business.

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

House File 135, by Van Engelenhoven, a bill for an act relating to the disclosure of the annual percentage rate for a delayed deposit service transaction.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 136, by Wendt, a bill for an act establishing an educational technology grant program and making an appropriation.

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

House File 137, by Alons, Drake, Mertz, Baudler, De Boef, Frevert, Huseman, Kaufmann, Kuhn, Miller, Rayhons, Swaim,

Soderberg, Tymeson and J.R. Van Fossen, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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

CONSIDERATION OF BILLS Ways and Means Calendar

House File 102, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision, was taken up for consideration.

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:41 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper on request of Murphy of Dubuque.

The House resumed consideration of House File 102.

Carroll of Poweshiek offered amendment H-1014 filed by him as follows:

H-1014

- 1 Amend House File 102 as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. 50. Section 422.7, Code 2005, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION.** 44. A taxpayer may elect not to
- 7 take the increased expensing allowance under section
- 8 179 of the Internal Revenue Code, as amended by Pub.

9 L. No. 108-27, section 202, in computing state tax
 10 purposes. If the taxpayer does not take the increased
 11 expensing allowance under section 179 of the Internal
 12 Revenue Code for state tax purposes, the following
 13 adjustments shall be made:

14 a. Add the total amount of expense deduction taken
 15 on section 179 property for federal tax purposes under
 16 section 179 of the Internal Revenue Code.

17 b. Subtract the amount of expense deduction on
 18 section 179 property allowable for federal tax
 19 purposes under section 179 of the Internal Revenue
 20 Code prior to enactment of Pub. L. No. 108-27, section
 21 202.

22 c. Any other adjustments to gains and losses to
 23 the adjustments make in paragraphs "a" and "b"
 24 pursuant to rules adopted by the director."

25 2. Page 2, by inserting after line 17 the
 26 following:

27 "Sec. 51. Section 422.35, Code 2005, is amended by
 28 adding the following new subsection:

29 NEW SUBSECTION. 20. A taxpayer may elect not to
 30 take the increased expensing allowance under section
 31 179 of the Internal Revenue Code, as amended by Pub.
 32 L. No. 108-27, section 202, in computing state tax
 33 purposes. If the taxpayer does not take the increased
 34 expensing allowance under section 179 of the Internal
 35 Revenue Code for state tax purposes, the following
 36 adjustments shall be made:

37 a. Add the total amount of expense deduction taken
 38 on section 179 property for federal tax purposes under
 39 section 179 of the Internal Revenue Code.

40 b. Subtract the amount of expense deduction on
 41 section 179 property allowable for federal tax
 42 purposes under section 179 of the Internal Revenue
 43 Code prior to enactment of Pub. L. No. 108-27, section
 44 202.

45 c. Any other adjustments to gains and losses to
 46 the adjustments make in paragraphs "a" and "b"
 47 pursuant to rules adopted by the director."

48 3. Page 3, line 1, by inserting after the figure
 49 "2003." the following: "Sections 50 and 51 of this
 50 Act apply retroactively to tax years beginning on or

Page 2

1 after January 1, 2003."

2 4. Title page, line 3, by inserting after the
 3 word "and" the following: "the increased expensing
 4 allowance and".

Eichhorn of Hamilton offered the following amendment H-1016, to amendment H-1014, filed by him from the floor and moved its adoption:

H-1016

1 Amend the amendment, H-1014, to House File 102 as
2 follows:
3 1. Page 1, by inserting after line 47 the
4 following:
5 ____ Page 2, line 32, by inserting after the
6 word "Act." the following: "If the taxpayer elects
7 not to file an amended return, the "allowed or
8 allowable" provisions and regulations of sections 167
9 and 1016 of the Internal Revenue Code are suspended
10 with regard to the depreciation adjustment otherwise
11 available as a result of this Act."

Amendment H-1016 was adopted.

Eichhorn of Hamilton offered the following amendment H-1017, to amendment H-1014, filed by him from the floor and moved its adoption:

H-1017

1 Amend the amendment, H-1014, to House File 102 as
2 follows:
3 1. Page 1, by inserting after line 47 the
4 following:
5 ____ Page 2, line 32, by inserting after the
6 word "Act" the following: "or on the return for the
7 tax year immediately preceding the tax year for which
8 its return is filed subsequent to the effective date
9 of this section of this Act".

Amendment H-1017 was adopted.

On motion by Carroll of Poweshiek, amendment H-1014, 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. 102)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Bell

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 102** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 4

Roberts of Carroll called up for consideration **House Resolution 4** as follows:

- 1 House Resolution 4
- 2 By Committee On Administration And Rules
- 3 A Resolution relating to permanent rules of the House

4 for the ~~eightieth~~ ~~eighty-first~~ general assembly.
 5 *Be It Resolved By The House Of Representatives,*
 6 That the permanent rules of the House for the
 7 ~~eightieth~~ ~~eighty-first~~ general assembly be as follows:

8 DIVISION I – GENERAL RULES

9 Rule 1

10 Call to Order and Order of Business

11 The speaker shall take the chair at the hour to
 12 which the house has adjourned, and shall immediately
 13 call the members to order, correct the journal of the
 14 previous day's proceedings, and proceed to other
 15 business, including, but not limited to, introduction
 16 of bills, reports, messages, communications, business
 17 pending at adjournment, resolutions and bills on their
 18 passage.

19 Rule 2

20 Quorum Call and Time of Convening

21 The house shall convene each Monday at 1:00 p.m.
 22 and at 8:45 a.m. on all other legislative days, unless
 23 otherwise ordered. The time of convening shall be
 24 recorded in the journal. The house shall not convene
 25 on Sunday during a regular or special session.

26 The speaker or a member may request a roll call to
 27 determine if a quorum is present.

28 Rule 3

29 Absences from the House

30 No member shall be absent without leave while the

Page 2

1 house is in session unless the member is sick or
 2 unable to attend.

3 Rule 4

4 Preservation of Order

5 The speaker shall preserve order and decorum and
 6 speak to points of order in preference to other
 7 members. Subject to an appeal to the house by any
 8 member, the speaker shall decide questions of order
 9 which shall not be debated.

10 The speaker may have the chamber of the house
 11 cleared in case of any disturbance or disorderly
 12 conduct.

13 Only past legislators, state officials, persons
 14 whose presence is deemed by the speaker to be of
 15 special significance to the house, and school classes
 16 accompanied by teachers and seated in the galleries
 17 shall be introduced in the house.

18 The public may take photographs from the galleries
 19 at any time. However, the use of flash bulbs or any
 20 other artificial lighting is prohibited. The press
 21 may photograph from the press section, but may not use
 22 artificial lighting except for live television crews

23 who receive permission in advance from the chief clerk
 24 of the house or the sergeant-at-arms. Photographic
 25 instruments shall not be used on the house floor at
 26 any time when the members are voting on a question put
 27 before the house. Photographic instruments may be
 28 used on the house floor at other times with the
 29 consent of the subject or subjects of the photography.
 30 Rule 4A

Page 3

1 Use of Telephonic or Electronic Devices
 2 in Chamber Restricted
 3 1. In order to prevent the disruption of house
 4 deliberations, a person shall not do any of the
 5 following in the chamber while the house is in
 6 session:
 7 a. Allow any audible signal to be continued to be
 8 transmitted to or from a telephonic or electronic
 9 device under the person's control.
 10 b. Disrupt house deliberations by using a
 11 telephonic or electronic device to audibly transmit or
 12 receive communications.
 13 2. A member shall not use a telephonic or
 14 electronic device to audibly transmit or receive
 15 communications while recognized by the presiding
 16 officer to speak in debate.
 17 3. The speaker or other presiding officer may have
 18 the chamber cleared of any person acting in violation
 19 of this rule.

20 Rule 5
 21 Rules of Parliamentary Practice
 22 The rules of parliamentary practice in Mason's
 23 Manual of Legislative Procedure shall govern the house
 24 in all cases where they are not inconsistent with the
 25 standing rules of the house or the joint rules of the
 26 senate and house.

27 Rule 5A
 28 House Budget
 29 The speaker of the house shall annually prepare a
 30 proposed budget for the house of representatives for

Page 4

1 the payment of expenses, salaries, per diems, and
 2 other items. The proposed budget shall be submitted
 3 on the fourteenth day of each legislative session to
 4 the house committee in charge of administration, which
 5 shall approve a proposed budget in house resolution
 6 form within thirty days of receiving the proposed
 7 budget from the speaker. The house shall adopt a
 8 budget within thirty days of the introduction of the

9 house resolution.

10

Rule 6

11

The Speaker Pro Tempore

12

13 The house shall, at its pleasure, elect a speaker
 14 pro tempore. When the speaker shall for any cause be
 15 absent, the speaker pro tempore shall preside, except
 16 when the chair is filled by appointment by either the
 17 speaker or the speaker pro tempore. If a vacancy
 18 occurs in the office of speaker, the speaker pro
 19 tempore shall assume the duties and responsibilities
 20 of the speaker until such time as the house shall
 21 elect a new speaker. The speaker or the speaker pro
 22 tempore shall have the right to name any member to
 23 perform the duties of speaker, but such substitution
 24 shall not extend beyond the adjournment. The acts of
 25 the speaker pro tempore shall have the same validity
 26 as those of the speaker. In the absence of both the
 27 speaker and the speaker pro tempore, the house shall
 28 name a speaker who shall preside over it and perform
 29 all the duties of the speaker with the exception of
 30 signing bills, until such time as the speaker or
 31 speaker pro tempore shall be present, and the person's

Page 5

1 acts shall have the same force and validity as those
 2 of the regularly elected speaker.

3

Rule 7

4

Amendment and Suspension of Rules

5

6 A motion to change or rescind a standing rule or
 7 order of the house requires one day's notice. A
 8 motion to suspend a rule, or to table or take from the
 9 table a matter, requires an affirmative vote of a
 10 constitutional majority. Postponing or changing the
 11 order of business requires an affirmative vote of a
 12 constitutional majority.

12

Rule 8

13

Violation of House Rules

14

15 The speaker shall, or any member may, call to order
 16 a member who transgresses the rules of the house.
 17 With leave of the house, the member called to order
 18 may be permitted to explain. If the case requires it,
 19 the member shall be subject to censure of the house.

19

Rule 9

20

Referral of Rule Violations

21

22 The speaker shall, upon complaint of a member, or
 23 upon the speaker's own motion, refer any alleged
 24 violation of house or joint rules by house members,
 25 employees or staff to the house ethics committee upon
 26 an initial finding that an investigation is warranted.
 27 The ethics committee shall investigate such
 28 allegations and report them back to the house with a

28 recommendation.

29 Rule 10

30 Recognition and Decorum in Debate

Page 6

1 A member who wishes to speak in debate or deliver
2 any matter to the house shall be appropriately
3 attired, with male members wearing coat or tie, and,
4 after recognition by the chair, shall respectfully
5 address the presiding officer by saying "Mr. or Madam
6 Speaker", shall confine all remarks to the question
7 under debate, and shall avoid personalities.

8 Rule 11

9 Limit on Debate

10 No member shall speak more than once on the same
11 question, without leave of the speaker, nor more than
12 twice until every member choosing to speak has spoken,
13 except as provided in Rule 81. A member shall be
14 limited to ten minutes debate on a bill being
15 considered prior to its last reading, but may be
16 granted an extension of time by consent of the house.

17 Rule 12

18 Decorum During Debate

19 No member shall leave the house while the speaker
20 is putting a question. No one shall pass between the
21 speaker and a member who is speaking or two members
22 who have been recognized by the speaker.

23 Rule 13

24 Stating the Question

25 When a motion is made, it shall be stated by the
26 speaker. A motion made in writing shall be passed to
27 the desk before it is debated.

28 Rule 14

29 Putting the Question

30 Questions shall be distinctly put in this form:

Page 7

1 "All those in favor of (the question) shall say
2 'aye,'" and after the affirmative voice is expressed,
3 "All those opposed to (the question) shall say 'no.'"
4 If the speaker is in doubt or a member of the house
5 requests, a nonrecrod roll call vote shall be taken.

6 DIVISION II –EMPLOYEES OF THE HOUSE

7 Rule 15

8 Chief Clerk of the House

9 The chief clerk of the house shall serve as
10 parliamentarian and chief administrative officer of
11 the house under the direction of the speaker of the
12 house. The chief clerk shall supervise the chief
13 clerk's office; be responsible for the custody and

14 safekeeping of all bills, resolutions, and amendments
 15 filed, except when they are in the custody of a
 16 committee; have charge of the daily journal; have
 17 control of all rooms assigned for the use of the
 18 house; attest to the accuracy and correctness of text
 19 and action on bills and resolutions; process the
 20 handling of amendments when filed and during the floor
 21 consideration of bills; insert adopted amendments into
 22 bills before transmittal to the senate and prior to
 23 final enrollment; supervise legislative printing and
 24 the distribution of printed material; and perform all
 25 other duties pertaining to the office of the chief
 26 clerk.

27 Rule 16

28 Reserved

29 Rule 17

30 Sergeant-At-Arms

Page 8

1 The sergeant-at-arms shall execute all orders of
 2 the house and the presiding officer; perform all
 3 assigned duties related to the policing and good order
 4 of the house; supervise the entrance and exit of all
 5 persons to and from the chamber; promptly execute all
 6 messages, etc.; provide that the chamber is properly
 7 ventilated and open for the use of the members; and
 8 perform all other services pertaining to the office of
 9 sergeant-at-arms.

10 Rule 18

11 Secretaries

12 All secretaries of the house shall be under the
 13 general direction of the speaker and the chief clerk.
 14 Secretaries shall be on duty at the house from 8:30
 15 a.m. to 4:30 p.m. except when excused by the member to
 16 whom the secretary is assigned. Secretaries shall
 17 perform such additional duties as may be assigned to
 18 them by the chief clerk.

19 Rule 19

20 Extra Compensation of Employees

21 No employee shall receive any extra compensation,
 22 except as provided by the house, or tips for services
 23 performed while on duty. Any violation of this rule
 24 shall be grounds for removal.

25 DIVISION III - VISITORS AND LOBBYISTS

26 Rule 20

27 Admission to the House; Lobbying

28 The chamber of the house shall include the
 29 vestibule, restrooms, cloak room, lounge, visitors'
 30 galleries, and floor of the house.

Page 9

1 The floor of the house shall consist of that area
2 between the press box, speaker's station, and the
3 south wall behind the last row of desks occupied by
4 representatives, excluding the visitors' galleries.

5 During a legislative day while the house is in
6 session, and one-half hour before the house convenes
7 and one-half hour after the house recesses or
8 adjourns, no person shall be admitted to the floor of
9 the house except:

10 1. Members of the general assembly and authorized
11 house employees in the performance of their duties.

12 2. Former members of the general assembly who are
13 not registered lobbyists.

14 3. A general assembly member's family.

15 4. Representatives of the press, radio, and
16 television who shall go directly to and from the press
17 box.

18 5. Legislative interns approved by the chief clerk
19 who shall go directly to and from the seat of their
20 assigned representative or to be seated in the
21 perimeter seating area.

22 6. Chair, co-chair, and the executive secretary of
23 a political party having members serving in the
24 general assembly.

25 7. Personnel of the ~~Code editor's office,~~
26 ~~legislative service bureau, legislative fiscal bureau,~~
27 ~~services agency and citizens' aide/ombudsman's office,~~
28 ~~computer support bureau and administrative rules~~
29 ~~review committee staff.~~

30 8. The governor's executive assistants and

Page 10

1 administrative assistants, members of the state
2 executive council, the lieutenant governor, the
3 attorney general, and the administrative rules
4 coordinator, all of whom shall be confined to the
5 perimeter area.

6 The current status of former members of the general
7 assembly shall govern their access to the floor under
8 these rules.

9 No other persons shall be allowed on the house
10 floor without permission of the presiding officer of
11 the house.

12 No person admitted to the floor of the house,
13 except members of the general assembly, shall, while
14 the house is in session, lobby or attempt to exercise
15 any influence with any member for or against any
16 matter then pending or that may thereafter be
17 considered by the house.

18 Notwithstanding the provisions of this rule
 19 regarding admission to the floor of the house, a
 20 registered lobbyist shall not be admitted to the floor
 21 of the house on any day when the house is in session
 22 or committees are scheduled to meet from one-half hour
 23 before the house convenes or 8:45 a.m., whichever is
 24 earlier, until one-half hour after the house adjourns
 25 or until 4:30 p.m., whichever is later. A registered
 26 lobbyist or other person may be admitted to the house
 27 when the house is not in session to gain access to a
 28 committee room.
 29 Each lobbyist shall be given a copy of this rule
 30 when the lobbyist registers.

Page 11

1 Each member, employee of the house, and registered
 2 lobbyist shall report violations of this rule
 3 immediately to the sergeant-at-arms.

4 Any person for cause may be summarily dismissed
 5 from the chamber of the house, by action of the house,
 6 and shall forfeit that person's right to admission
 7 thereafter.

8 Rule 20A

9 Legislative Interns

10 Only one legislative intern per member of the house
 11 is allowed on the floor of the house at any one time.

12 Rule 21

13 Distribution of Literature

14 No person except a member or employee of the house
 15 of representatives shall generally distribute or cause
 16 to be distributed any pamphlets, material, or other
 17 printed literature to the members' desks in the house.
 18 An employee of the house shall generally distribute or
 19 cause to be distributed such literature only on behalf
 20 of the employee's office or staff.

21 All copies of pamphlets, material, or printed
 22 literature distributed by a member or employee of the
 23 house of representatives shall bear the name of the
 24 member or employee's office or staff.

25 Other distributions of pamphlets, material, or
 26 other printed literature shall bear their source of
 27 origin and be distributed through the legislative post
 28 office by completing a form containing a member's or
 29 the chief clerk's authorization, with the
 30 authorization form attached to one copy of the

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1 distribution. The copy with the attached
 2 authorization form shall be retained for a reasonable
 3 time period by the legislative post office.

4 Rule 22
5 Distribution of Materials
6 Printed by the State

7 A member of the house shall not distribute maps,
8 books, and pamphlets such as, but not limited to, How
9 a Bill Becomes Law, which have been printed by the
10 state of Iowa and upon which the name of the member of
11 the house has been affixed unless the member has
12 purchased the materials or unless the member has
13 affixed the words "Paid for by the citizens of Iowa
14 and distributed by representative (member's name)."

15 DIVISION IV –FORMS AND PROCEDURES
16 FOR BILLS AND OTHER DOCUMENTS

17 Rule 23
18 Documents Signed by the Speaker

19 All acts and joint resolutions shall be signed by
20 the speaker, and all writs, warrants, and subpoenas
21 issued by order of the house, shall be signed by the
22 speaker and attested by the chief clerk. The speaker
23 shall cause certificates of recognition or condolence
24 to be issued by the house which shall be signed by the
25 speaker and the chief clerk.

26 Rule 24
27 Presentation of Petitions

28 All petitions, memorials and other papers addressed
29 to the house shall be signed by the member and filed
30 with the chief clerk or the chief clerk's staff.

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1 Rule 25
2 Consideration of Resolutions
3 Action on a resolution, except a memorial
4 resolution, or a proposition requesting information
5 from a state official shall not be taken until one day
6 after the resolution has been placed on the members'
7 desks. After the resolution is adopted, the chief
8 clerk shall transmit certified copies and have the
9 resolution printed in the bound journal. A resolution
10 may be printed in the daily journal upon the approval
11 of the speaker after consultation with the minority
12 leader.

13 Rule 26
14 Unanimous Consent Calendar
15 The speaker may, upon the request of three members,
16 place on a unanimous consent calendar any house
17 resolution or concurrent resolution which does not
18 contain an appropriation and which has been laid over
19 under Rule 25.

20 If such resolution is placed on the unanimous
21 consent calendar, it may be removed only upon a
22 written request submitted to the speaker by a member

23 of the house.
 24 If not removed after five legislative days, the
 25 chief clerk shall call up the resolution and without
 26 debate the speaker shall pronounce that it has passed
 27 by unanimous consent.
 28 If the resolution is removed from the unanimous
 29 consent calendar, the speaker may again lay the
 30 resolution over under Rule 25, place it on a different

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1 calendar, or refer the resolution to any of the
 2 standing committees of the house.
 3 Rule 27
 4 Forms of Bills and Joint Resolutions
 5 Every house bill shall be introduced by one or more
 6 members or by any standing or specially authorized
 7 committee of the house, the administrative rules
 8 review committee or interim study committee. All
 9 bills and joint resolutions introduced shall be
 10 prepared by the legislative ~~service bureau~~ services
 11 agency with title, enacting clause, text and
 12 explanation as directed by the chief clerk of the
 13 house. One copy of each bill shall be presented in a
 14 bill cover with the number of copies of the bill and
 15 the title as directed by the chief clerk.

16 Rule 28
 17 Joint and Nullification Resolutions
 18 Joint resolutions shall be framed and treated as
 19 bills.
 20 A "nullification resolution" is a joint resolution
 21 which nullifies all of an administrative rule, or a
 22 severable item of an administrative rule adopted
 23 pursuant to chapter 17A of the Code. A nullification
 24 resolution shall not amend an administrative rule by
 25 adding language or by inserting new language in lieu
 26 of existing language.
 27 A nullification resolution may be introduced by an
 28 individual, a standing committee or the administrative
 29 rules review committee, and may be referred to a
 30 standing committee. A nullification resolution is

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1 debatable, but cannot be amended on the floor of the
 2 house.

3 Rule 29
 4 Time of Introduction of Bills
 5 No bill or joint resolution under individual
 6 sponsorship, other than a nullification resolution,
 7 shall be read for the first time after 4:30 p.m. on
 8 Friday of the 6th week of the first regular session of

9 the general assembly unless a written request for
10 drafting the bill has been filed with the legislative
11 ~~service bureau~~ services agency before that time.

12 After adjournment of the first regular session,
13 bills may be prefiled at any time before the convening
14 of the second regular session. No bill or joint
15 resolution under individual sponsorship, other than a
16 nullification resolution, shall be read for the first
17 time after 4:30 p.m. on Friday of the second week of
18 the second regular session of the general assembly
19 unless a written request for drafting the bill has
20 been filed with the legislative ~~service bureau~~
21 services agency before that time.

22 However, bills or joint resolutions sponsored by
23 standing committees or the administrative rules review
24 committee, co-sponsored by the majority and minority
25 floor leaders, or companion bills sponsored by the
26 house majority leader and the senate majority leader
27 may be drafted and introduced at any time permissible
28 under Joint Rule 20. House, concurrent, and
29 nullification resolutions may be introduced at any
30 time.

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1 Rule 30

2 Introduction and Reading of Bills

3 All bills and resolutions to be introduced in the
4 house shall be typed in proper form and filed with the
5 chief clerk no later than 4:30 p.m. on the legislative
6 day preceding its introduction.

7 Every bill shall receive two readings but no bill
8 shall receive its first and last readings on the same
9 day.

10 A "reading of a bill" as required by these rules
11 shall consist of a reading of the title and enacting
12 clause unless otherwise demanded by a house member.

13 Rule 31

14 First Reading, Commitment, and Amendment

15 31.1. A bill is introduced into the house by an
16 initial or "first reading of the bill".

17 31.2. When the house is in session the first
18 reading shall consist of a "reading" as provided in
19 Rule 30.

20 31.3. Upon a first reading of the bill, the
21 speaker shall state that it is ready for commitment or
22 amendment; and the speaker shall commit it to the
23 standing or select committee, or to a committee of the
24 whole house. If to a committee of the whole house,
25 the house shall determine on what day.

26 31.4. On a day when the house is not in session,
27 the speaker shall cause a statement, which shall

- 28 consist of the title, enacting clause, bill number and
 29 committee to which the bill is referred to be
 30 published in the house journal. This publication

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1 shall constitute a first reading and commitment and
 2 shall contain the notation "read and committed under
 3 Rule 31.4".

4 31.5. All amendments offered to bills on file or
 5 on the regular calendar shall be accompanied by such
 6 copies as the chief clerk shall direct.

7 31.6. Such amendments shall give the number of the
 8 bill sought to amend and the chief clerk shall
 9 designate each such amendment thus: Amendment to
 10 House File _____, or Senate File _____, by
 11 _____.

12 31.7. A bill reported out by committee shall go to
 13 the speaker who shall direct that the bill be placed
 14 on the regular calendar unless it covers subject
 15 matter more properly within the jurisdiction of some
 16 other standing committee, in which case the speaker
 17 shall refer the bill to the proper standing committee.
 18 In order to expedite important business and set a
 19 definite time for the bill's consideration, the
 20 speaker may direct the bill to be placed on the
 21 special order calendar.

22 31.8. No amendment to the rules of the house, to
 23 any resolution or bill, except technical amendments
 24 and amendments to bills substituted for by senate
 25 files containing substantially identical title,
 26 language, subject matter, purpose and intrasectional
 27 arrangement, shall be considered by the membership of
 28 the house without a copy of the amendment having been
 29 filed with the chief clerk by 4:00 p.m. or within one-
 30 half hour of adjournment, whichever is later, on the

Page 18

1 day preceding floor debate on the amendment. If the
 2 house adjourns prior to 2:00 p.m. on Friday, the final
 3 deadline is two hours after adjournment. However,
 4 committee amendments filed pursuant to the submission
 5 of the committee report may be accepted after this
 6 deadline. This provision shall not apply to any
 7 proposal debated on the floor of the house after the
 8 fourteenth week of the first session and the twelfth
 9 week of the second session. No amendment or amendment
 10 to an amendment to a bill, rule of the house, or
 11 resolution shall be considered by the membership of
 12 the house without a copy of the amendment being on the
 13 desks of the entire membership of the house prior to

14 consideration. However, after the fourteenth week of
15 the first session and the twelfth week of the second
16 session, the membership of the house may consider an
17 amendment or an amendment to an amendment to a bill,
18 rule of the house, or resolution without a copy of the
19 amendment being on the desks of the entire membership
20 of the house prior to consideration if a copy of the
21 amendment is made available to the entire membership
22 of the house electronically.

23 Rule 32

24 Commitment of Appropriation and Revenue Bills
25 All bills to appropriate money shall be referred to
26 the appropriations committee, and all bills pertaining
27 to the levy, assessment, or collection of taxes shall
28 be referred to the committee on ways and means.

29 Rule 33

30 Regular Calendar

Page 19

1 Bills, nullification resolutions, and joint
2 resolutions reported out for passage, or amendment and
3 passage, or without recommendation, by a committee,
4 shall be arranged on a regular calendar by the chief
5 clerk each day at 4:30 p.m. in the order of the file
6 number of the bills and following the preceding
7 legislative day's regular calendar. Priority shall be
8 given to house over senate file numbers and to joint
9 resolutions over bills in the arrangement of the
10 regular calendar.

11 Rule 34

12 Debate and Special Order Calendars

13 The majority floor leadership shall cause to be
14 prepared and distributed to the members at the opening
15 of each session day when floor action is scheduled, a
16 daily debate calendar consisting of bills,
17 nullification resolutions, and joint resolutions from
18 the regular calendar setting forth the number and
19 title of bills, nullification resolutions, and joint
20 resolutions for the next session day that floor action
21 is scheduled.

22 The majority floor leadership shall cause to be
23 prepared and distributed to the members at the opening
24 of each session day when floor action is scheduled, a
25 special order calendar setting forth the number and
26 title of bills, nullification resolutions, and joint
27 resolutions and the date upon which debate is
28 scheduled to begin on each of them, which can be no
29 sooner than five session days from the first date of
30 publication on the regular calendar.

Page 20

1 This rule does not apply to bills which have passed
2 both houses in different forms, reconsiderations, or
3 veto reconsiderations.

4 Rule 35
5 Noncontroversial Calendar

6 The majority floor leadership may cause to be
7 prepared a noncontroversial calendar consisting of
8 bills and joint resolutions from the regular calendar.
9 The noncontroversial calendar shall appear under
10 separate heading on the regular calendar.

11 Notwithstanding Rule 34, a bill or joint resolution
12 on the noncontroversial calendar may be called up for
13 debate at any time by the majority leader beginning
14 the third legislative day after it appears on the
15 noncontroversial calendar. A bill or joint resolution
16 shall be stricken from the noncontroversial calendar
17 if a written objection to the bill or joint resolution
18 is filed with the chief clerk prior to the time the
19 bill or joint resolution is called up by the majority
20 leader.

21 Debate on a bill or joint resolution from the
22 noncontroversial calendar shall be limited to ten
23 minutes. If debate exceeds ten minutes, the bill or
24 joint resolution shall be stricken from the
25 noncontroversial calendar.

26 Rule 36
27 Consideration of Committee Amendments

28 After a bill has been referred and reported back,
29 it shall be considered on its first reading after the
30 amendments of the committee have been read.

Page 21

1 Rule 37
2 Amendments to Special Order Bills

3 All amendments to bills on the special order
4 calendar shall be filed at least three session days
5 prior to the date set for debate. Amendments to an
6 amendment shall be filed at least two session days
7 prior to the date set for debate. However, corrective
8 amendments and amendments sponsored by either the
9 majority floor leader or the minority floor leader may
10 be filed at any time. Rule 31.8 shall not apply to
11 these amendments.

12 A corrective amendment is an amendment which does
13 not substantively change the amendment or the bill.

14 Rule 38
15 Irrelevant Amendments

16 No motion or proposition on a subject different
17 from that under consideration shall be admitted under

18 color of an amendment.

19 Rule 39

20 Consideration of Bills

21 Bills, including committee bills, and nullification
22 resolutions, reported out for passage, for indefinite
23 postponement, for amendment and passage, or without
24 recommendation by the committee, shall not be acted
25 upon until after the second legislative day following
26 the day the report was printed in the journal.

27 ~~Prior to noon or adjournment, whichever is later,~~
28 ~~on the last legislative day of the week, the majority~~
29 ~~leader shall prepare a list of bills reported out of~~
30 ~~committee that week which have not yet appeared on the~~

Page 22

1 ~~regular calendar.~~

2 The reports of the committees shall not be read
3 while the house is in session except as herein
4 provided. The reports shall be printed in the journal
5 immediately after they are filed with the chief clerk.
6 Reports recommending bills for passage, for amendment
7 and passage, or without recommendation shall stand
8 approved unless written objections are filed during
9 the first legislative day following their printing in
10 the journal. If objections are filed, they shall be
11 disposed of as soon as possible. Reports recommending
12 indefinite postponement shall be governed by Rule 44.

13 Upon an affirmative vote of at least a
14 constitutional majority of the members, a report may
15 be read before it is printed in the journal and while
16 the house is in session, and acted upon at once.

17 Rule 40

18 Consideration of Bills Upon Last Reading

19 No amendment, unless by way of correcting an error
20 or omission, shall be received to any bill on its last
21 reading, and no debate shall be allowed on it.

22 Rule 41

23 Printing of Bills and Joint Resolutions

24 Bills and joint resolutions shall be printed in
25 form as provided by law and by rule. Each house may
26 direct the printing of an additional number of its own
27 bills.

28 Legalizing bills of a local or private nature shall
29 be printed in bill form and placed in the files of the
30 members, the same as other bills, in the order of

Page 23

1 their introduction. The cost of printing shall be
2 deposited with the treasurer of state in advance at a
3 rate to be fixed, and the newspaper publication of the

4 bill shall be without cost to the state. No
 5 legalizing act may be introduced until all provisions
 6 of law have been complied with.

7 Rule 42

8 Certification and Engrossment of Bills

9 The chief clerk shall certify the passage of each
 10 bill and note the date of its passage.

11 In engrossing a bill, the chief clerk shall correct
 12 all obvious typographical, spelling, or other clerical
 13 errors and change section subunit numbers and letters
 14 and internal references as required to conform the
 15 original bill to any amendments which have been
 16 adopted. The chief clerk shall report all such
 17 corrections or changes in the journal. The engrossed
 18 bill shall be placed in the bill file with the
 19 original bill and amendments.

20 Rule 43

21 Rereferral

22 A bill may be rereferred at any time before its
 23 passage and after the report of its referral to
 24 committee.

25 Rule 44

26 Effect of Indefinite Postponement

27 When a question is indefinitely postponed, it shall
 28 not be acted upon again during that session. Any bill
 29 which receives a committee recommendation of
 30 indefinite postponement shall be disposed of within

Page 24

1 three legislative days after the printed journal
 2 containing the report has been placed upon the desks
 3 of the members of the house, or the committee
 4 recommendation will be considered adopted.

5 Rule 45

6 Status of Bills Following

7 First Regular Session

8 Except for those bills which have been adopted by
 9 both houses in different forms, all bills which have
 10 not been withdrawn, defeated or indefinitely
 11 postponed, shall be rereferred to committee upon
 12 adjournment of the first regular session. Within
 13 seven days after the first committee meeting following
 14 convening of the second regular session, the committee
 15 chair shall submit the bill to the full committee for
 16 action or the chair shall reassign the bill to a
 17 subcommittee.

18 DIVISION V – COMMITTEE PROCEDURES

19 Rule 46

20 Appointment of Committees

21 All committees shall be appointed by the speaker,
 22 unless otherwise especially directed by the house.

23

Rule 47

24 Order on Question of Commitment

25 When a resolution is offered or a motion made to
 26 refer any subject, and different committees are
 27 proposed, the question shall be taken in the following
 28 order: The committee of the whole house; a standing
 29 committee; a select committee.

30

Rule 48

Page 25

1

Study Bills

2 A study bill is any matter which a member of the
 3 house wishes to have considered by a standing
 4 committee, other than appropriations, and which has
 5 not been included in a previously introduced bill.
 6 Upon taking possession of a study bill, the committee
 7 chair shall notify the speaker and then submit fifteen
 8 copies of the bill to the legal counsel's office for
 9 numbering.

10 A study bill shall bear the name of the member who
 11 wishes to have the bill considered. A study bill
 12 submitted by a state agency or board for consideration
 13 shall bear the name of the state agency or board. A
 14 committee chair may submit a study bill in the name of
 15 that committee.

16 Final committee action on a study bill shall not be
 17 taken until one day following the notation of the
 18 study bill assignment in the house journal.

19 A study bill not prepared by the legislative
 20 ~~service bureau~~ services agency may be submitted to a
 21 standing committee, but shall not be considered by the
 22 full committee unless reviewed and typed in proper
 23 form by the legislative ~~service bureau~~ services
 24 agency.

25

Rule 49

26 Committee Meetings

27 No committee, except a conference committee or the
 28 administrative rules review committee, shall meet
 29 while the house is in session without special leave.
 30 Two committees with overlapping memberships shall not

Page 26

1 meet at the same time without special leave.

2

Rule 50

3

Smoking Prohibited

4 Smoking shall not be permitted in the house or in
 5 any area of the capitol building controlled by the
 6 house or controlled jointly by the house and senate.

7

Rule 50A

8

Nondegradable Polystyrene Cups

9 The use of nondegradable polystyrene cups shall not
10 be permitted on the floor of the house, at the
11 speaker's station, or in the press boxes.

12 Rule 51

13 Assignments to Subcommittee

14 The chair of the committee shall report to the
15 house the bill number of each bill assigned to
16 subcommittee and the names of the subcommittee
17 members. The report shall be printed in the journal.

18 All bills, prior to consideration by the committee,
19 shall be referred by the chair to a subcommittee,
20 unless acted upon by a committee of the whole.

21 The chair may assign bills to subcommittees without
22 a meeting of the committee, but the membership of the
23 subcommittee so appointed shall be reported at the
24 next meeting of the committee.

25 Rule 52

26 Open Meetings

27 Standing committee meetings shall be open, and
28 voting by secret ballot is prohibited. The committee
29 on administration and rules may close its meetings to
30 evaluate the professional competency of an individual

Page 27

1 whose appointment, hiring, performance, or discharge
2 is being considered when necessary to prevent needless
3 and irreparable injury to that individual's reputation
4 on the request of the affected individual.

5 Rule 53

6 Quorum and Vote Requirements

7 The committee roll shall be taken at the convening
8 of each meeting to determine the presence of a quorum.
9 A majority of the committee membership shall
10 constitute a quorum.

11 An affirmative vote of a majority of the committee
12 membership is required to report a bill out of
13 committee or to suspend a committee rule.

14 A motion to reconsider may be made only by a
15 committee member who voted on the prevailing side of
16 the question sought to be reconsidered. A motion to
17 reconsider may only be made provided the bill is still
18 in possession of the committee.

19 If a member, who is in the committee room when a
20 question to report a bill out of committee is put, has
21 not asked to be excused prior to commencing to take
22 the vote on the question, the member shall vote aye or
23 nay unless the committee has excused the member for
24 special reasons. However, a member may pass on the
25 first taking of the roll call on the question but
26 shall vote aye or nay when the member's name is called
27 for a second time.

28
29
30

Rule 54
Committee Attendance Record and Report
of Committee Form

Page 28

- 1 1. A committee attendance record shall be filed
2 with the chief clerk no later than 10:00 a.m. or two
3 hours after the house convenes, whichever is later, of
4 the legislative day immediately following the day of
5 the committee meeting. The committee attendance
6 record is a public record and may be published in the
7 journal. The committee attendance record shall
8 include the following information:
9 a. The time the meeting convened.
10 b. The members present at the meeting.
11 c. The time the meeting adjourned.
12 d. A list of bills receiving final committee
13 disposition.
14 2. A report of committee form shall be filed with
15 the chief clerk no later than 10:00 a.m. or two hours
16 after the house convenes, whichever is later, of the
17 legislative day immediately following the day of the
18 committee meeting for each study bill, numbered bill
19 or resolution receiving final committee disposition.
20 The report of committee form is a public record and a
21 report of committee action shall be printed in the
22 journal. The report of committee form shall include
23 the following information:
24 a. The committee action taken.
25 b. The committee amendment number, if any.
26 c. The roll call vote of the committee on final
27 disposition.
28 d. The minority recommendation, if any.
29 3. Upon final adjournment of the first session and
30 final adjournment of the second session of the general

Page 29

- 1 assembly, the chair of each committee shall have
2 placed the committee's book of record containing
3 minutes, roll calls, rules, etc., with the chief clerk
4 for access of any interested person.

Rule 55

Minority Recommendation

- 7 The minority of the members of a committee may
8 present its recommendations on the final disposition
9 of a bill to the house by attaching its recommendation
10 to the committee report and the same shall be printed
11 in the journal with the committee report.

Rule 56

Committee Amendment

12
13

14 Whenever a committee amendment is proposed which
15 would amend another committee amendment, the amendment
16 shall be drafted in the form of a substitute amendment
17 and shall be considered as such.

18 Rule 57

19 Committee Notice and Agenda

20 Each committee shall prepare and publish a notice
21 and agenda of each committee meeting at least one
22 legislative day prior to the meeting. The notice and
23 agenda may be placed on the desks of or transmitted
24 electronically to committee members.

25 The notice shall contain the committee name, the
26 date, time, and location of the meeting.

27 The agenda shall contain the matters to be
28 discussed, including a list of bills, joint
29 resolutions, nullification resolutions, and study
30 bills by number. The agenda should contain the names

Page 30

1 of individuals who are scheduled to appear before the
2 committee and the organization which they represent.

3 A bill, joint resolution, nullification resolution,
4 or study bill shall not be reported out of committee
5 if the bill was not included in the published notice
6 and agenda unless this rule is suspended by a majority
7 of the total membership of the committee.

8 A committee chair may call a meeting without
9 providing the required notice and agenda upon leave of
10 the house if a notice is either electronically
11 transmitted to committee members and placed on the
12 bulletin board or placed on the desks of committee
13 members.

14 Rule 58

15 Clearing of Committee Room

16 The chair of a committee may clear the committee
17 room in case of any disturbance or disorderly conduct.

18 Rule 58A

19 Use of Telephonic or Electronic Devices
20 in Committee Rooms Restricted

21 1. In order to prevent the disruption of committee
22 deliberations, a person shall not do any of the
23 following in any committee room while a standing
24 committee is in session:

25 a. Allow any audible signal to be continued to be
26 transmitted to or from a telephonic or electronic
27 device under the person's control.

28 b. Use a telephonic or electronic device to
29 audibly transmit or receive communications.

30 2. The chair or acting chair of a standing

Page 31

1 committee may clear the committee room of any person
2 acting in violation of this rule.

3 Rule 59

4 Committee Amendments

5 All amendments to a bill or resolution adopted in
6 committee shall be incorporated in a single committee
7 amendment or incorporated in a new committee bill.

8 Rule 60

9 Withdrawal of Bills

10 or Nullification Resolutions

11 From Committee

12 A bill or nullification resolution which has been
13 in committee for eighteen legislative days following
14 notation of such referral in the journal may be
15 withdrawn from the committee and placed on the
16 calendar by an affirmative vote of not less than
17 fifty-one members of the house.

18 Rule 61

19 Committee Public Hearings

20 The chair of a committee may call a public hearing
21 for the purpose of receiving public comment on any
22 matter within the purview of the committee.

23 The chair shall call a public hearing upon the
24 written request of committee members according to
25 committee rules, but no more than one-third of the
26 committee members shall be required.

27 A public hearing shall not be called or requested
28 after final action on the bill has been taken by the
29 committee. However, a public hearing called or
30 requested before final action has been taken by the

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1 committee may be held after final action on the bill
2 has been taken by the committee.

3 The chair shall designate a time and place for a
4 public hearing and provide public notice at least five
5 days prior to a public hearing.

6 A bill for which a public hearing has been called
7 can be voted to the calendar but cannot be debated
8 until after the public hearing has been held.

9 However, public hearings which have been requested
10 during or after the 9th week of the first session and
11 during or after the 7th week of the second session
12 must be held within four legislative days of the date
13 of the request.

14 Rule 62

15 Limitation on Filing of Claims

16 A claim or claim bill, the subject matter of which
17 has been considered or filed for consideration in the

18 house or any of its committees, in two or more prior
 19 sessions of the general assembly, shall not be
 20 considered by any committee or by the house unless it
 21 has been specifically referred to this session by a
 22 prior general assembly. The committee on
 23 appropriations is authorized to set a definite date
 24 after which it will not receive claims or claim bills
 25 for consideration.

26 DIVISION VI – COMMITTEE OF THE WHOLE

27 Rule 63

28 Organization of Committee of the Whole

29 In forming the committee of the whole house, the
 30 speaker shall appoint a member to preside in committee

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1 and then leave the chair.

2 Rule 64

3 Rules in Committee of the Whole

4 The rules of the house shall be observed in
 5 committee of the whole house, so far as they are
 6 applicable.

7 Rule 65

8 Bills in Committee of the Whole

9 Bills committed to the committee of the whole house
 10 shall first be read in their entirety by the chief
 11 clerk or chair and then read again or debated by
 12 section, leaving the preamble to be considered last.
 13 After report, the bill shall again be subject to
 14 debate and amendment before a vote is had on its last
 15 reading and passage.

16 Rule 66

17 Amendments by Committee of the Whole

18 All amendments made to a report committed to a
 19 committee of the whole house shall be noted and
 20 reported as in the case of bills.

21 DIVISION VII = MOTIONS

22 Rule 67

23 Order and Precedence of Motions

24 The following order and precedence of motions shall
 25 govern when a question is under debate:

26 11. Adjourn.

27 10. Recess.

28 9. Questions of privilege.

29 8. Lay on the table.

30 7. Previous question.

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1 6. Postpone definitely or to a certain time.

2 5. Refer or commit.

3 4. Defer.

4 3. Amend an amendment.

5 2. Amend.

6 1. Postpone indefinitely.

7 These motions are listed in descending order of
8 precedence.

9 A motion to postpone definitely or to a certain time, to
10 refer or commit, or to postpone indefinitely a particular
11 question shall not be considered more than once on the same day.

12 Adoption of a motion to strike the enacting words is equivalent
13 to rejection of the question.

14 Rule 68

Order of Consideration of Amendments

16 Amendments shall be considered by earliest position
17 in the bill. Amendments to the same place in the bill
18 shall be considered by the lowest amendment number.
19 An amendment which inserts language after a line and
20 an amendment which inserts language before the
21 succeeding line shall be considered amendments to the
22 same place in the bill.

23 However, an amendment to strike the enacting clause
24 shall always be considered first. An amendment filed
25 by a committee shall have the next highest order of
26 priority, followed by an amendment to strike
27 everything after the enacting clause and insert new
28 language. An amendment to strike language or to
29 strike and insert new language, except an amendment to
30 strike everything after the enacting clause and insert

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1 new language, shall not be considered before
2 amendments to perfect all or part of the same portion
3 of the bill.

4 Rule 69

Motions Not Debatable

6 The motions to lay on the table, to adjourn, to
7 adjourn to a time certain, for the previous question,
8 to defer, to rerefer, and appeals of a ruling of the
9 presiding officer shall be decided without debate.

10 Rule 70

Motion to Adjourn

12 A motion to adjourn shall always be in order,
13 except when a member is speaking or the house is
14 voting.

15 Rule 71

Withdrawal of Motions

17 After a motion is stated by the speaker, or read by
18 the chief clerk, it shall be deemed to be in
19 possession of the house, but may be withdrawn by leave
20 of the house.

21 Rule 72

Referral and Rereferral

22

23 Motions and reports may be referred and rereferred
24 at the pleasure of the house.

25 Rule 73

26 Reconsideration

27 1. A motion to reconsider may be made only by a
28 member who voted on the prevailing side of the
29 question sought to be reconsidered.

30 2. A motion to reconsider may be made not later

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1 than adjournment on the day following the day of the
2 action sought to be reconsidered. Where the floor
3 manager voted on the prevailing side, the floor
4 manager has the prior right to make the motion, until
5 adjournment on the day of the action sought to be
6 reconsidered. A motion to reconsider a nullification
7 resolution shall be acted upon not later than
8 adjournment on the legislative day following the day
9 of the action sought to be reconsidered.

10 3. A motion to reconsider made following the
11 ninety-seventh calendar day of the first regular
12 session, or the eighty-seventh calendar day of the
13 second regular session, may be taken up when made. A
14 motion made at any other time may be taken up prior to
15 the third day succeeding the day of the action sought
16 to be reconsidered only if called up by the mover, and
17 after the second day succeeding the day of the action
18 sought to be reconsidered if called up by any member.

19 4. The making of a motion to reconsider takes
20 precedence over all other questions.

21 5. No motion to reconsider passage, adoption or
22 failure of any bill, nullification resolution or joint
23 resolution shall prevail unless it obtains a
24 constitutional majority. When passage, adoption or
25 failure is reconsidered, questions on amendments may
26 also be reconsidered and shall be disposed of
27 immediately.

28 6. A motion that the motion to reconsider be laid
29 on the table is in order. The effect of laying the
30 motion to reconsider on the table is to cause the bill

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1 or joint resolution to proceed on its regular course
2 immediately.

3 7. In the event that a motion to reconsider is
4 pending at the end of the first session or any
5 extraordinary session of any general assembly, or the
6 general assembly adjourns sine die, and the motion to
7 reconsider has not been voted upon by the house, the
8 motion shall be determined to have failed.

9 DIVISION VIII – VOTING

10 Rule 74

11 Manner of Voting

12 Members present may cast their votes, either by
13 operating the voting mechanism located at their
14 assigned desk or by signaling the speaker from the
15 floor of the house or from the south visitors' gallery
16 if they are unable to vote at their assigned desk.
17 The speaker shall enter the votes of members signaling
18 their votes. Upon direction of the speaker or upon
19 request of two members during the taking of the vote
20 of the house on any question, only those members at
21 their desks and voting shall be counted. Members who
22 are not present shall not cast their votes except:

23 1. Members who have not voted may record their
24 votes on any record roll call vote except quorum calls
25 within ten minutes after the vote has been announced,
26 providing the vote does not change the outcome of the
27 vote on that question. A member may request
28 announcement of the names of members so recorded after
29 the ten-minute period.

30 2. Members meeting in a conference committee or in

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1 administrative rules review committee at the time a
2 vote is taken on a question may have their vote
3 recorded within thirty minutes or adjournment,
4 whichever is first of that same legislative day,
5 providing the vote does not change the outcome of the
6 vote on that question.

7 Rule 75

8 Duty of Voting

9 Except as limited in Rule 74, every member who is
10 in the house when a question is put shall vote unless
11 the house has excused that member for special reasons;
12 however, such member must have asked to be excused
13 prior to commencing to take the vote on the main
14 question.

15 Rule 76

16 Limitation on Right to Vote

17 No member shall vote on any question in which that
18 person is financially interested.

19 Rule 77

20 Call of the House

21 Upon written request of five members, the presiding
22 officer shall compel attendance of absent and
23 unexcused members for the consideration of specified
24 bills or resolutions.

25 A call of the house shall specify the propositions
26 to which it is to apply, and must be put into effect
27 before roll call is taken on the proposition. The

28 request may be filed at any time before final action
 29 upon the propositions with the chief clerk, who shall
 30 notify the house immediately.

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1 Rule 78
 2 Method of Calling the House
 3 Upon a call of the house, the names of the members
 4 shall be called by the chief clerk and the absentees
 5 noted, after which the names of the absentees shall
 6 again be called. The sergeant-at-arms shall be
 7 directed by the speaker to compel the attendance of
 8 absent members, unless they are previously excused.
 9 Any member occupying the member's seat during a call
 10 of the house shall be counted by the speaker and that
 11 person's name entered in the journal as being present
 12 for the purpose of making a quorum.

13 Rule 79
 14 Method of Calling the Roll
 15 The electrical voting machine shall be used for a
 16 call of the house, a quorum call or a roll call vote
 17 on any question. If the electrical voting machine is
 18 not in operating order when it is necessary to take a
 19 record roll call vote, the presiding officer shall
 20 order the vote to be taken by calling the roll in
 21 alphabetical order, except the name of the presiding
 22 officer shall be called last.

23 During the casting of the vote with the voting
 24 machine, the individual votes and the vote totals
 25 shall be shown on the display boards. Before the
 26 voting machine is closed, the presiding officer shall
 27 inquire of the house, "Have you all voted?"

28 Rule 80
 29 Quorum and Record Roll Call Votes
 30 A majority of the members shall constitute a

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1 quorum.
 2 A record roll call vote shall be ordered upon
 3 request of any two members. The names of the members
 4 requesting the record roll call shall be entered in
 5 the journal.

6 Rule 81
 7 Previous Question
 8 When a member moves for a previous question, that
 9 member shall state whether the motion will apply to
 10 the main question, to all the amendments, or to
 11 particular amendments. The motion requires an
 12 affirmative vote of at least a constitutional majority
 13 of the members. If the motion for a previous question

14 is not adopted, the house shall proceed in the same
15 manner as before the motion was made.

16 If the motion is adopted, all debate must end and
17 the house will vote upon the question except:

18 1. If the motion applies to the main question, the
19 member in charge of the measure will have ten minutes
20 to speak for the purpose of closing discussion before
21 the vote on the measure is taken.

22 2. If the motion applies to an amendment, the
23 member proposing the amendment will have five minutes
24 to speak for the purpose of closing discussion before
25 the vote on the amendment is taken.

26 3. If a member has filed a written request with
27 the chief clerk of the house indicating the member's
28 desire to speak on a particular question. The request
29 must be filed before the motion is made by the movant.
30 The request allows a member to speak on a particular

Page 41

1 question before the closing discussion by the member
2 who is in charge of the measure or who is proposing
3 the amendment.

4 Rule 82

5 Division of the Question

6 Any member may call for a division of the question,
7 which shall be divided if it comprehends questions so
8 distinct that one being taken away, the remainder may
9 stand separately for discussion by the house. A
10 motion to strike out being lost shall not preclude
11 either an amendment or a motion to strike out and
12 insert. A motion to strike out and insert shall be
13 deemed indivisible.

Hogg of Linn asked and received unanimous consent to withdraw amendments H-1002 and H-1004 filed by him on January 14, 2005.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-1001 filed by Murphy, et al., on January 13, 2005.

Murphy of Dubuque offered the following amendment H-1005 filed by Murphy, et al., and moved its adoption:

H-1005

1 Amend House Resolution 4 as follows:

2 1. Page 24, line 22, by inserting after the word
3 "house." the following: "The percentage of majority

4 and minority member representation on all standing
 5 committees and subcommittees shall be proportional to
 6 the actual percentage of majority and minority member
 7 representation in the full house, plus or minus two
 8 percent, except that the majority shall be guaranteed
 9 a majority representation of one member on all such
 10 committees and subcommittees."

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-1005 be adopted?" (H.R. 4)

The ayes were, 48:

Berry	Bukta	Cohoon	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdylke	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Bell

Amendment H-1005 lost.

Gaskill of Wapello asked and received unanimous consent to withdraw amendment H-1009 filed by her on January 20, 2005.

Gaskill of Wapello offered the following amendment H-1010 filed by her and moved its adoption:

H-1010

- 1 Amend House Resolution 4 as follows:
- 2 1. Page 26, by inserting after line 24 the
- 3 following:
- 4 "Rule 51A
- 5 Subcommittee Notice
- 6 Each subcommittee shall prepare and publish a
- 7 notice of its initial meeting. The notice shall
- 8 contain the date, time, and location of the initial
- 9 meeting. The notice shall be published at least
- 10 twenty-four hours prior to the initial meeting. A
- 11 subcommittee chair may call the initial meeting of the
- 12 subcommittee without publishing the required notice
- 13 provided there is good cause.
- 14 Each subcommittee shall make a good faith effort to
- 15 publish notice of its meetings, held subsequent to its
- 16 initial meeting, at least twenty-four hours before the
- 17 meetings."

A non-record roll call was requested.

The ayes were 44, nays 49.

Amendment H-1010 lost.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1003 filed by him on January 14, 2005.

Roberts of Carroll moved the adoption of House Resolution 4.

A non-record roll call was requested.

The ayes were 53, nays 44.

The motion prevailed and the resolution was adopted.

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

- 2005\149 Richard and Beverly Ohrt, Tipton – For celebrating their 50th wedding anniversary.
- 2005\150 J. Leon and Alice D. Timmerman, Bennett – For celebrating their 70th wedding anniversary.
- 2005\151 Wilma Weatherly, La Porte City – For celebrating her 100th birthday.
- 2005\152 Fred and Marie Zingg, Independence – For celebrating their 60th wedding anniversary
- 2005\153 Lloyd Dutler, La Porte City – For celebrating his 80th birthday.
- 2005\154 Gordon and Betty Dye, Mason City – For celebrating their 50th wedding anniversary.
- 2005\155 Cletus Carlson, Mason City – For celebrating his 80th birthday.
- 2005\156 Charlene Wedmore, Mason City – For celebrating her 80th birthday.
- 2005\157 Bernard and Peggy Lucas, Nora Springs – For celebrating their 50th wedding anniversary.
- 2005\158 Dean and Darlene Michels, New Haven – For celebrating their 50th wedding anniversary.
- 2005\159 Mr. and Mrs. Raymond Steffen, Orchard – For celebrating their 60th wedding anniversary.
- 2005\160 Willard and Lorene Wolf, Charles City – For celebrating their 60th wedding anniversary.
- 2005\161 Roger and Marlys Claus, Ocheyedon – For celebrating their 50th wedding anniversary.
- 2005\162 Clarence and Catherine Pohlen, Hospers – For celebrating their 60th wedding anniversary.
- 2005\163 Sam and Josie Van Den Berg, Sheldon – For celebrating their 70th wedding anniversary.

- 2005\164 Elsie Johannsen, Paullina – For celebrating her 90th birthday.
- 2005\165 Bob and Muriel Hamilton, Sigourney – For celebrating their 60th wedding anniversary.
- 2005\166 Minnie Werner, Amana – For celebrating her 85th birthday.
- 2005\167 Charles and Mary Berg, Terril – For celebrating their 50th wedding anniversary.
- 2005\168 Don Goodell, Lake Park – For celebrating his 80th birthday.
- 2005\169 Bill Holiday, Estherville – For celebrating his 80th birthday.
- 2005\170 Mr. and Mrs. Robert Smith, Wahpeton – For celebrating their 50th wedding anniversary.
- 2005\171 Don and Delores Schwaller, Milford – For celebrating their 50th wedding anniversary.
- 2005\172 Carl and Sally Ingwersen, Lake Park – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 21

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 28

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 34

Economic Growth: Wilderdyke, Chair; Fallon and May.

House File 60

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 97

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 98

Economic Growth: Struyk, Chair; Lukan and Reichert.

House File 99

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 103

Natural Resources: Jepkes, Chair; Rasmussen and Reichert.

House File 110

Commerce, Regulation and Labor: Struyk, Chair; Jacobs and Petersen.

House File 112

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House File 113

Public Safety: Chambers, Chair; Dolecheck and Heddens.

House File 116

Natural Resources: Van Engelenhoven, Chair; Whitead and Wilderdyke.

House File 117

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 118

Education: Granzow, Chair; Boal and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 37**

Environmental Protection: S. Olson, Chair; Anderson and D. Olson.

House Study Bill 38

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

House Study Bill 39

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 40 Public Safety**

Relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

H.S.B. 41 Public Safety

Relating to changing or amending a citation and complaint for certain criminal violations.

H.S.B. 42 Public Safety

Expanding the criminal offense of willful injury, and providing a penalty.

H.S.B. 43 Public Safety

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

H.S.B. 44 Public Safety

Relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

H.S.B. 45 State Government

Providing for state employee payroll deductions for Iowa educational savings plan trust contributions.

H.S.B. 46 Public Safety

Expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

H.S.B. 47 Public Safety

Relating to the civil commitment of a sexually violent predator, and providing a penalty.

H.S.B. 48 Public Safety

Relating to canceling the driver's license of certain persons sentenced to jail or committed to the custody of the director of the department of corrections.

H.S.B. 49 Public Safety

Relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

H.S.B. 50 Commerce, Regulation and Labor

Relating to the deregulation of communications services including determining comparable services, considering market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing effective and retroactive applicability dates.

H.S.B. 51 Commerce, Regulation and Labor

Establishing a state health insurance mandate commission, providing for fees and a tax credit, and making an appropriation.

H.S.B. 52 Commerce, Regulation and Labor

Allowing the exclusion of mandated health care benefit coverage in certain health insurance policies or contracts.

H.S.B. 53 Economic Growth

Relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

H.S.B. 54 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling,

restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, permits for vehicles of excessive height or weight, and persons with disabilities parking.

H.S.B. 55 State Government

Relating to the receipt of and costs associated with public records requests.

H.S.B. 56 State Government

Providing for contributions to the Iowa public employees' retirement system.

H.S.B. 57 State Government

Relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, modifying the deadline for filing certain presidential nomination documents, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, modifying the time period relating to counting federal write-in ballots after an application for a regular absentee ballot is received from the same voter, repealing provisions that allow voting at satellite absentee

voting stations, defining voter registration list, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions.

H.S.B. 58 State Government

Relating to elections and voter registration by requiring the election of township officers on a nonpartisan basis, prohibiting the processing of certain voter registration applications, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, striking the requirement that a voter's name be announced by a precinct election official, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, deleting the requirement for a separate affidavit envelope for absentee ballots, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, relating to the form prescribed for return carrier envelopes, allowing an immediate family member to return a voted absentee ballot in person to the commissioner's office, allowing an absentee voter to correct a deficiency in the affidavit returned with the voted absentee ballot, allowing the voting of replacement absentee ballots in certain circumstances, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provision declaring it unlawful for an

absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

H.S.B. 59 State Government

Relating to meetings of governmental bodies.

H.S.B. 60 State Government

Relating to city licensing of transient merchants.

H.S.B. 61 State Government

Relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

H.S.B. 62 State Government

Relating to the ethical conduct of state and local officials and employees.

H.S.B. 63 State Government

Concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

H.S.B. 64 State Government

Relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

H.S.B. 65 State Government

Relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, placement of campaign signs, and use of public resources.

H.S.B. 66 State Government

Relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

H.S.B. 67 Judiciary

Relating to recovery of prejudgment interest in relation to an offer to confess judgment.

H.S.B. 68 Judiciary

Relating to the imposition of civil and criminal penalties and investigation costs where a person fraudulently or otherwise receives certain state benefits.

H.S.B. 69 Judiciary

Relating to family law provisions including dissolution of marriage and domestic relations, termination of parental rights proceedings, and postsecondary education subsidy provisions, providing an effective date, and providing for retroactive applicability.

H.S.B. 70 Judiciary

Eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a motor vehicle safety belt or safety harness.

H.S.B. 71 Judiciary

Prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

H.S.B. 72 Judiciary

Relating to the payment of restitution by a person convicted of a criminal offense.

H.S.B. 73 Judiciary

Relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

H.S.B. 74 Judiciary

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

H.S.B. 75 Judiciary

Creating a private cause of action for certain consumer fraud violations.

H.S.B. 76 Judiciary

Relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

H.S.B. 77 Local Government

Relating to county recorders and vital statistics record fees, and providing an effective date.

H.S.B. 78 Ways and Means

Relating to the establishment of an industrial processing exemption study committee and including an effective date.

H.S.B. 79 Agriculture

Providing for the confidentiality of records relating to the outbreak of animal disease, and providing an effective date.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 7), relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local government units, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 2005.

On motion by Gipp of Winneshiek the House adjourned at 6:38 p.m., until 8:45 a.m., Wednesday, January 26, 2005.

JOURNAL OF THE HOUSE

Seventeenth Calendar Day - Twelfth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, January 26, 2005

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Lloyd Johnston, pastor of the First Baptist Church, Centerville. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, January 25, 2005 was approved.

INTRODUCTION OF BILLS

House File 138, by Shoultz, a bill for an act relating to recycling by providing for the acceptance of empty beverage containers, increasing the reimbursement amount paid by a distributor for empty beverage containers, adding to the list of materials for which recycling property may be used to receive a pollution-control or recycling property tax exemption, and providing civil penalties.

Read first time and referred to committee on **environmental protection**.

House File 139, by Paulsen and Dix, a bill for an act relating to the state school foundation program by increasing the regular program foundation base, and providing an effective date.

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

House File 140, by Huser and Swaim, a bill for an act relating to the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal.

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

House File 141, by Ford, Hutter and Eichhorn, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF JUSTICE
Office of Consumer Advocate

Bi-annual report on estimating the return of a local exchange carrier operating under price regulation as if that carrier were subject to rate-of-return regulation, pursuant to Chapter 476.98, Code of Iowa.

LEGISLATIVE SERVICES AGENCY
Adoption Subsidy Program Study Committee

Report to review the adoption subsidy program administered by the Department of Human Services, pursuant to House Concurrent Resolution 110.

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

- | | |
|----------|---|
| 2005\173 | Fred Thies, Sumner – For celebrating his 90 th birthday. |
| 2005\174 | Ervin Petersen, Readlyn – For celebrating his 90 th birthday. |
| 2005\175 | Doris Garvin, West Union – For celebrating her 87 th birthday. |
| 2005\176 | Dorothy Steege, Maynard – For celebrating her 80 th birthday. |
| 2005\177 | Yvonne King, Oelwein – For celebrating her 80 th birthday. |
| 2005\178 | Kenneth and Ardella Freyholtz, Sumner – For celebrating their 50 th wedding anniversary. |

- 2005\179 Don and Mardelle Bachman, Oelwein – For celebrating their 62nd wedding anniversary.
- 2005\180 Clarence and Florence Schroeder, Remsen – For celebrating their 75th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 77

Agriculture: Drake, Chair; Lalk, Mertz, Miller and S. Olson.

House File 101

Ways and Means: Kaufmann, Chair; Schueller and Struyk.

House File 109

State Government: Roberts, Chair; Jochum and Raecker.

House File 114

Commerce, Regulations and Labor: Tomenga, Chair; Hoffman and Kressig.

House File 122

Economic Growth: Hoffman, Chair; Dandekar and Struyk.

House File 123

Ways and Means: Eichhorn, Chair; McCarthy and Tomenga.

House File 127

Public Safety: Chambers, Chair; Dolecheck and Heddens.

House File 128

Agriculture: Rayhons, Chair; Davitt and Kaufmann.

House File 132

Agriculture: Greiner, Chair; Kaufmann and Kuhn.

House File 137

Agriculture: Alons, Chair; Frevert, Kuhn, Lalk and Rayhons.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 35

Ways and Means: Struyk, Chair; Frevert and Kurtenbach.

House Study Bill 40

Public Safety: Eichhorn, Chair; Heddens and Tjepkes.

House Study Bill 41

Public Safety: Tjepkes, Chair; Baudler and Reasoner.

House Study Bill 42

Public Safety: Alons, Chair; Eichhorn and R. Olson.

House Study Bill 43

Public Safety: Baudler, Chair; Chambers and Hunter.

House Study Bill 44

Public Safety: Alons, Chair; Baudler and Bell.

House Study Bill 45

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 46

Public Safety: McCarthy, Chair; Lykam and Tjepkes.

House Study Bill 47

Public Safety: McCarthy, Chair; Berry and Eichhorn.

House Study Bill 48

Public Safety: J.R. Van Fossen, Chair; Hunter and Van Engelenhoven.

House Study Bill 49

Public Safety: R. Olson, Chair; Berry and Dolecheck.

House Study Bill 50

Commerce, Regulation and Labor: Watts, Chair; May, Petersen, Quirk, Sands, Struyk and Wise.

House Study Bill 51

Commerce, Regulation and Labor: Hoffman, Chair; Horbach and Oldson.

House Study Bill 52

Commerce, Regulation and Labor: Hoffman, Chair; Horbach and Oldson.

House Study Bill 53

Economic Growth: Jenkins, Chair; S. Olson and Wise.

House Study Bill 55

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 56

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

House Study Bill 57

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

House Study Bill 58

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

House Study Bill 59

State Government: Boal, Chair; Hutter and Whitead.

House Study Bill 60

State Government: Jones, Chair; Lensing and Tomenga.

House Study Bill 61

State Government: Tomenga, Chair; Hutter and Lensing.

House Study Bill 62

State Government: Raecker, Chair; Gaskill and Roberts.

House Study Bill 63

State Government: Jones, Chair; Greiner and T. Taylor.

House Study Bill 64

State Government: Raecker, Chair; Hutter and Wendt.

House Study Bill 65

State Government: Raecker, Chair; Bukta and Paulsen.

House Study Bill 66

State Government: Raecker, Chair; Roberts and T. Taylor.

House Study Bill 67

Judiciary: Anderson, Chair; Paulsen and Swaim.

House Study Bill 68

Judiciary: Kaufmann, Chair; Heaton and R. Olson.

House Study Bill 69

Judiciary: Eichhorn, Chair; Boal, Carroll, Lensing and Wessel-Kroeschell

House Study Bill 70

Judiciary: Eichhorn, Chair; Jochum and Maddox.

House Study Bill 71

Judiciary: Boal, Chair; Kaufmann and R. Olson.

House Study Bill 72

Judiciary: J.R. Van Fossen, Chair; Berry and Carroll.

House Study Bill 73

Judiciary: Hutter, Chair; Berry and Heaton.

House Study Bill 74

Judiciary: Carroll, Chair; Alons and Smith.

House Study Bill 75

Judiciary: Tymeson, Chair; Carroll and Swaim.

House Study Bill 76

Judiciary: Heaton, Chair; Eichhorn and Jochum.

House Study Bill 77

Local Government: Tjepkes, Chair; Gaskill and Watts.

House Study Bill 79

Agriculture: Struyk, Chair; Drake, Miller, S. Olson and Whitaker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 80 Transportation**

Increasing the speed limit for vehicular traffic on interstate highways.

H.S.B. 81 Economic Growth

Relating to tax credit certificates issued by the Iowa capital investment board.

H.S.B. 82 Commerce, Regulation and Labor

Relating to housing assistance and improvement funds.

H.S.B. 83 Commerce, Regulation and Labor

Allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

H.S.B. 84 Commerce, Regulation and Labor

Allowing certain abstractors to request a mortgage release.

H.S.B. 85 Commerce, Regulation and Labor

Relating to the payment of certain weekly workers' compensation benefits.

H.S.B. 86 Commerce, Regulation and Labor

Relating to the requirement to share services and facilities under the Iowa broadband initiative.

H.S.B. 87 Commerce, Regulation and Labor

Relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

H.S.B. 88 Commerce, Regulation and Labor

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

H.S.B. 89 Commerce, Regulation and Labor

Relating to workers' compensation disability coverage for occupational hearing loss.

RESOLUTIONS FILED

HCR 4, by Gipp and Murphy, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

HCR 5, by Rants and Murphy, a concurrent resolution relating to a biennial memorial session.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 8:53 a.m., until 8:45 a.m., Thursday, January 27, 2005.

JOURNAL OF THE HOUSE

Eighteenth Calendar Day - Thirteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, January 27, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Arch Bishop Hanus, of the Arch Diocese of Dubuque. He was the guest of Minority Leader Pat Murphy and Representative Pam Jochum of Dubuque.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, January 26, 2005 was approved.

INTRODUCTION OF BILL

House File 142, by Whitaker, a bill for an act relating to the purchase of additional antlerless deer hunting licenses by landowners and tenants and their families for use on farm units.

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

REPORT OF THE CHIEF CLERK OF THE HOUSE

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

House File 102

1. Page 2, line 9, change the word "make" to "made".
2. Page 3, line 19, change the word "make" to "made"

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

- | | |
|----------|--|
| 2005\181 | Arnold Staub, Ottumwa – For celebrating his 90 th birthday. |
| 2005\182 | Harold Hindman, Ottumwa – For celebrating his 80 th birthday. |
| 2005\183 | Martha Farrington, Ottumwa – For celebrating her 80 th birthday. |
| 2005\184 | Vera Martinjames, Ottumwa – For celebrating her 90 th birthday. |
| 2005\185 | Marilyn Millican, Ottumwa – For celebrating her 80 th birthday. |
| 2005\186 | Edna Randall, Ottumwa – For celebrating her 80 th birthday. |
| 2005\187 | William Cole, Ottumwa – For celebrating his 80 th birthday. |
| 2005\188 | Gwendolyn Allman, Ottumwa – For celebrating her 80 th birthday. |
| 2005\189 | Helen Gates, Ottumwa – For celebrating her 80 th birthday. |
| 2005\190 | Clarence Jacquinot, Ottumwa – For celebrating his 80 th birthday. |
| 2005\191 | John Wasko, Ottumwa – For celebrating his 80 th birthday. |
| 2005\192 | Wilma Lumsdon, Ottumwa – For celebrating her 80 th birthday. |
| 2005\193 | Dorothy Thompson, Ottumwa – For celebrating her 90 th birthday. |
| 2005\194 | George Benson, Ottumwa – For celebrating his 90 th birthday. |
| 2005\195 | Fairy Morrison, Blakesburg – For celebrating her 90 th birthday. |
| 2005\196 | Ruth Heckart, Ottumwa – For celebrating her 80 th birthday. |
| 2005\197 | Ruth Woods, Ottumwa – For celebrating her 80 th birthday. |
| 2005\198 | Darlene Goodman, Ottumwa – For celebrating her 80 th birthday. |
| 2005\199 | Anna Chrisman, Ottumwa – For celebrating her 80 th birthday. |
| 2005\200 | Eugene Reinier, Ottumwa – For celebrating his 80 th birthday. |
| 2005\201 | Margaret Padget, Ottumwa – For celebrating her 80 th birthday. |
| 2005\202 | Walter Johnson, Ottumwa – For celebrating his 80 th birthday. |

- 2005\203 Mildred Miller, Ottumwa – For celebrating her 90th birthday.
- 2005\204 Margaret Sharp, Ottumwa – For celebrating her 90th birthday.
- 2005\205 Nellie Grant, Ottumwa – For celebrating her 80th birthday.
- 2005\206 Janet Markham, Ottumwa – For celebrating her 80th birthday.
- 2005\207 Orbie Brittain, Blakesburg – For celebrating his 90th birthday.
- 2005\208 Ruth Stocker, Ottumwa – For celebrating her 90th birthday.
- 2005\209 Patricia Vandello, Ottumwa – For celebrating her 80th birthday.
- 2005\210 Barbara Gee, Ottumwa – For celebrating her 80th birthday.
- 2005\211 Mae Trowell, Ottumwa – For celebrating her 90th birthday.
- 2005\212 Dorothy Byers, Ottumwa – For celebrating her 90th birthday.
- 2005\213 Wm. Wallace Weeks, Ottumwa – For celebrating his 80th birthday.
- 2005\214 Lester Smithhart, Ottumwa – For celebrating his 80th birthday.
- 2005\215 Robert Bonnett, Ottumwa – For celebrating his 80th birthday.
- 2005\216 Genenvieve Farrington, Ottumwa – For celebrating her 90th birthday.
- 2005\217 Betty Elkins, Ottumwa – For celebrating her 80th birthday.
- 2005\218 Esther Fisher, Blakesburg – For celebrating her 80th birthday.
- 2005\219 Dorothy Kendall, Ottumwa – For celebrating her 90th birthday.
- 2005\220 Florence Mcintosh, Ottumwa – For celebrating her 80th birthday.
- 2005\221 Mary Kephart, Ottumwa – For celebrating her 80th birthday.
- 2005\222 Donald Sandifer, Blakesburg – For celebrating his 80th birthday.
- 2005\223 Lucille Summers, Blakesburg – For celebrating her 90th birthday.
- 2005\224 Edna Scheuermann, Ottumwa – For celebrating her 90th birthday.
- 2005\225 Roberta Buffington, Oskaloosa – For celebrating her 80th birthday.
- 2005\226 Fred and Muriel Burdock, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2005\227 Russell and Jeanne Gosselink, Oskaloosa – For celebrating their 60th wedding anniversary.

- 2005\228 Gerrit "Shorty" Septer, Montezuma – For celebrating his 90th birthday.
- 2005\229 Harold and Unabell Frehse, Denison – For celebrating their 50th wedding anniversary
- 2005\230 Bernice Stockfleth, Mapleton – For celebrating her 90th birthday.
- 2005\231 Naomi Kahrs, Mapleton – For celebrating her 98th birthday.
- 2005\232 Walter and Lucile Nun, Ute – For celebrating their 65th wedding anniversary.
- 2005\233 Jim and Betty Southern, Newton – For celebrating their 50th wedding anniversary.
- 2005\234 Leonard and Jean Henricksen, Clinton – For celebrating their 50th wedding anniversary.
- 2005\235 Richard and Ruth Cook, Clinton – For celebrating their 50th wedding anniversary.
- 2005\236 Donald and Bernadine McDermott, Clinton – For celebrating their 62nd wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 106

State Government: Upmeyer, Chair; Paulsen and T. Taylor.

House File 120

Human Resources: Tomenga, Chair; Kurtenbach and Smith.

House File 125

Public Safety: Alons, Chair; Eichhorn and R. Olson.

House File 129

Education: Raecker, Chair; Foege and Kaufman.

House File 130

Education: Tymeson, Chair; Roberts and Winckler.

House File 136

Education: Boal, Chair; Chambers and Wendt.

House File 139

Education: Paulsen, Chair; Hogg and Tymeson.

House File 142

Natural Resources: Rasmussen, Chair; Arnold and Whitaker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 81

Economic Growth: Granzow, Chair; Anderson and Zirkelbach.

House Study Bill 83

Commerce, Regulation and Labor: Jacobs, Chair; Shomshor and Tomenga.

House Study Bill 84

Commerce, Regulation and Labor: Tomenga, Chair; Jacobs and Shomshor.

House Study Bill 87

Commerce, Regulation and Labor: Sands, Chair; Jacoby and Jenkins.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 90 Commerce, Regulation and Labor

Relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

H.S.B. 91 Natural Resources

Providing for the imposition of civil penalties for the unlawful commercialization of wildlife.

H.S.B. 92 Natural Resources

Relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

H.S.B. 93 Public Safety

Relating to certain penalties for the crime of domestic abuse assault.

H.S.B. 94 Public Safety

Authorizing certified peace officers to issue subpoenas duces tecum.

H.S.B. 95 Human Resources

Relating to assisted living programs, providing for application of a penalty, and providing for a fee.

H.S.B. 96 Human Resources

Relating to substitute decision making and guardians and conservators, providing for the collection and appropriation of fees, and making an appropriation.

H.S.B. 97 Human Resources

Relating to the suspension of a child support obligation.

H.S.B. 98 Human Resources

Relating to health care facility violations and penalties for such violations.

H.S.B. 99 Human Resources

Concerning billing for anatomic pathology services and making licensing sanctions applicable.

H.S.B. 100 Human Resources

Relating to the membership of the council with which the director of human services consults regarding the medical assistance program.

H.S.B. 101 Human Resources

Relating to the regulation of elder group homes and providing penalties.

H.S.B. 102 Human Resources

Relating to adult day services regulation and providing penalties.

H.S.B. 103 Human Resources

Relating to the Iowa commission on volunteer service.

H.S.B. 104 Human Resources

Relating to creation of a substance abuse prevention and treatment fund, and providing for standing appropriations from the fund.

H.S.B. 105 Human Resources

Relating to child support recovery and nullifying related administrative rules.

RESOLUTION FILED

HR 5, by Alons, D. Olson, Freeman, Swaim, Wessel-Kroeschell, Whitaker, Dandekar, Hunter, Thomas, Miller, Reasoner, Gaskill, Jacobs, Murphy, Kuhn, Hoffman, Baudler, Tymeson, Huseman, Watts, Granzow, Hutter, Jones, Lukan, De Boef, Tjepkes, Wilderdyke, Heaton, Chambers, Drake, Eichhorn, Sands, S. Olson, J.R. Van Fossen, J. K. Van Fossen, Elgin, Kaufmann, Boal, Lalk, Rasmussen, Rayhons, Van Engelenhoven, Kurtenbach, Horbach, Arnold, Raecker, Upmeyer, Roberts, Soderberg, May, Bell, D. Taylor, McCarthy, Frevert and Jenkins, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:57 a.m., until 1:00 p.m., Monday, January 31, 2005.

JOURNAL OF THE HOUSE

Twenty-second Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 31, 2005

The House met pursuant to adjournment at 1:11 p.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Dr. Hal Green, pastor of Wesley Methodist Church, Muscatine. He was the guest of Representative Nathan Reichert from Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Miller Middle School of Marshalltown. They were the guests of Representative Mark Smith from Marshall County.

The Journal of Thursday, January 27, 2005 was approved.

INTRODUCTION OF BILLS

House File 143, by Winckler and J. R. Van Fossen, a bill for an act relating to the issuance or renewal of liquor control licenses and wine and beer permits by local authorities.

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

House File 144, by Heaton and Horbach, a bill for an act providing for access to the Iowa communications network by local law enforcement and first responder personnel under specified circumstances.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 145, by Ford, a bill for an act relating to the establishment of a commission to review the implementation of the Iowa supreme court's equality in the courts task force and providing an effective date.

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

House File 146, by Whitaker, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

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

House File 147, by Ford, a bill for an act making an appropriation to the department of education for purposes of the academic incentives for minorities program.

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

House File 148, by Ford, a bill for an act prohibiting discrimination in the business of insurance on the basis of gender and making remedies and penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 149, by May, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

House File 150, by Hunter, a bill for an act relating to the applicability of federal overtime pay regulations.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 151, by Ford, a bill for an act relating to the recognition of school district performance excellence resulting from

the implementation of outstanding comprehensive school improvement plans.

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

House File 152, by Jochum, a bill for an act relating to fair market drug pricing.

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

House File 153, by Ford, a bill for an act requiring the state department of transportation to conduct a review of aviation security measures necessary to prevent terrorism.

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

House File 154, by Shoultz, a bill for an act relating to the issuance of a no-contact order against the biological parent of an adopted person whose presence or contact with the adopted person poses a threat to the health or safety of the adopted person.

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

House File 155, by Baudler, a bill for an act relating to life insurance premium reimbursements for certain members of the national guard, and providing applicability and effective dates.

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

House File 156, by Ford, a bill for an act relating to dependent adult abuse and providing criminal penalties.

Read first time and referred to committee on **public safety**.

House File 157, by Ford, a bill for an act relating to dependent adult abuse and providing penalties.

Read first time and referred to committee on **public safety**.

House File 158, by Hogg, a bill for an act relating to the authority of cities and counties to require storm shelters in manufactured home

communities or mobile home parks, and providing effective and applicability dates.

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

House File 159, by Whitaker, a bill for an act relating to hunting including nonresident turkey and deer hunting licenses, the help us stop hunger program, registration of hunting guides and outfitters, deer management plans, providing for fees and penalties, and making an appropriation.

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

House File 160, by Bell, a bill for an act relating to the regulation of pharmacy benefits managers and providing for civil relief.

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

House File 161, by Shoultz, Berry, Mascher, Ford, Hogg, Foege, Jochum, Heddens, T. Taylor, Wessel-Kroeschell, Lensing, Hunter and Maddox , a bill for an act relating to the sale or transfer of firearms between unlicensed persons at a gun show held on state property and providing penalties.

Read first time and referred to committee on **public safety**.

House File 162, by committee on agriculture, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

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

House File 163, by Murphy, Bell, Berry, Bukta, Cohoon, Dandekar, Davitt, Fallon, Foege, Ford, Frevert, Gaskill, Heddens, Hogg, Hunter, Huser, Jacoby, Jochum, Kressig, Kuhn, Lensing, Lykam, Mascher, McCarthy, Mertz, Miller, Oldson, D. Olson, R. Olson, Petersen, Pettengill, Quirk, Reasoner, Reichert, Schueller, Shomshor, Shoultz, Smith, Swaim, D. Taylor, T. Taylor, Thomas, Wendt, Wessel-Kroeschell, Whitaker, Whitead, Winckler, Wise and

Zirkelbach, a bill for an act relating to the applicability of federal overtime pay requirements.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 164, by Bell and Van Engelenhoven, a bill for an act providing a sales and use tax exemption for certain appliances that meet the energy efficiency rating established for the appliance by the United States environmental protection agency and providing an effective date.

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

House File 165, by Thomas, a bill for an act relating to a special free deer hunt for certain residents with permanent disabilities.

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

House File 166, by Shoultz, a bill for an act relating to the acceptance of empty beverage containers by dealers of beverages, the reimbursement amount paid by a distributor for empty beverage containers, a property tax exemption for glass recyclers, and providing civil penalties.

Read first time and referred to committee on **environmental protection**.

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 January 27, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 57, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Also: That the Senate has on January 27, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 74, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Also: That the Senate has on January 27, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 57, by committee on local government, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

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

Senate File 74, by committee on commerce, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 75, by committee on appropriations, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

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

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 19, 2005, and is on file in the office of the Chief Clerk:

January 13, 2005

Chief Clerk
House of Representatives
Statehouse
LOCAL

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 40 claims of general nature that were denied by the State Appeal Board during May 2004 through January 2005.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
David A. Vaudt
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 81ST GENERAL ASSEMBLY
May 2004 through January 2005

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G030497	Gregg Tiling, Inc	Hamburg	IA	Waiver of IRP Penalty	\$289.33
G030835	Rural Community Insurance Co	Anoka	MN	Premium Tax Refund	\$1,208.00
G030969	Larry Jaggie	Cherokee	IA	Refund	\$208.98
G031052	Nationwide Mutual Insurance Company	Columbus	OH	Premium Tax Refund	\$964,111.00
G031053	AMCO Insurance Company	Columbus	OH	Premium Tax Refund	\$638,956.00
G031054	Depositors Insurance Company	Des Moines	IA	Premium Tax Refund	\$247,725.00
G031055	Allied Property and Casualty Insurance Company	Des Moines	IA	Premium Tax Refund	\$481,538.00
G031092	Fidelity Investments Life Insurance Company	Boston	MA	Premium Tax Refund	\$1,400.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G031094	Austin Mutual Insurance Company	Minneapolis	MN	Premium Tax Refund	\$12,331.00
G040040	Parker Distributing Co, Inc	Bettendorf	IA	IRP Renewal	\$6,944.10
G040150	David S. Bruner	Carroll	IA	Deed	\$173.60
G040209	South Carolina Insurance Company	Columbia	SC	Premium Tax Refund	\$539.00
G040361	Safe Petroleum Co	Hamilton	IL	Diesel Tax Refund	\$169,752.37
G040446	Humana Insurance Company	Louisville	KY	Premium Tax Refund	\$179,321.00
G040532	Susan A. Pohl	Clive	IA	Travel Expense	\$74.54
G040669	Pioneer HiBred International Inc	Mankato	MN	License Refund	\$265.00
G040674	Northwestern National Casualty Company	Trenton	NJ	Premium Tax Refund	\$99,295.00
G040791	Charlene Chestnut	Cedar Falls	IA	Outdated Warrant	\$586.25
G040793	Graybar	Chicago	IL	Equipment	\$161.40
G040963	Shelby Casualty Insurance Company	Birmingham	AL	Premium Tax Refund	\$22,000.00
G041199	Northwest Food Products Transportation LLC	Hudson	WI	Permit Refund	\$25.00
G041201	Lumbermens Mutual Casualty Company	Long Grove	IL	Premium Tax Refund	\$15,807.16
G041202	American Motorists Insurance Company	Long Grove	IL	Premium Tax Refund	\$20,700.35
G041203	American Manufacturers Mutual Insurance Company	Long Grove	IL	Premium Tax Refund	\$25,100.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G041204	American Protection Insurance Company	Long Grove	IL	Premium Tax Refund	\$2,000.00
G041356	Families, Inc	West Branch	IA	Professional Services	\$71.04
G041357	Families, Inc	West Branch	IA	Professional Services	\$33.69
G041358	Purina Mill Inc	Sioux City	IA	IRP Fees	\$2,034.00
G041359	Families, Inc	West Branch	IA	Professional Services	\$142.08
G041418	Allamakee County	Waukon	IA	Civil Commitment Costs	\$2,580.78
G041432	Harry John Willard & Juanita Mary Anderson	Mason City	IA	Homestead Credit	\$135.00
G050179	Area 14 Agency on Aging/Southern Iowa Trolley	Creston	IA	Transportation	\$40.00
G050367	Toria Square, Inc/Vicki Stevenson	Davenport	IA	Tax Refund	\$142.00
G930233	World Trade Centers Association Inc	New York	NY	Outdated Invoice	\$2,500.00
G930555	Lorie Gail Spargur	Cedar Rapids	IA	Reimbursement	\$90.72
G960575	Families of NE Iowa	Maquoketa	IA	Provider Services	\$90.96
G962048	James M. Cropp	Indianola	IA	Outdated Expense	\$55.56
G971218	Archie James Sinclair	Des Moines	IA	Military Tax Exemption	\$750.00
G971300	City of DeWitt	DeWitt	IA	Fuel Refund	\$845.99
G980741	Iowa Division Vocational Rehabilitation Services	Des Moines	IA	Reimbursement	\$3,725.00

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

2004 annual report on the activities of Endow Iowa, pursuant to Chapter 15E.306, Code of Iowa.

DEPARTMENT OF PUBLIC DEFENSE Iowa National Guard

2004 Iowa Communications Network Savings 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

- | | |
|----------|--|
| 2005\237 | Thomas and Marcia Burke, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2005\238 | Gerrit and Marie Fedders, Sioux City – For celebrating their 60 th wedding anniversary. |
| 2005\239 | Nina Featherston, Le Mars – For celebrating her 80 th birthday. |
| 2005\240 | Joan Neyens, Le Mars – For celebrating her 80 th birthday. |
| 2005\241 | Art and Judy Schroeder, Remsen – For celebrating their 50 th wedding anniversary. |
| 2005\242 | John and Mary Vander Molen, Remsen – For celebrating their 50 th wedding anniversary. |
| 2005\243 | Beulah Grant, Hawarden – For celebrating their 80 th birthday. |
| 2005\244 | Walter and Mary Catherine Adam, Fairfield – For celebrating their 60 th wedding anniversary. |
| 2005\245 | Kenneth and Mary Margaret “Peg” Allbaugh, Waterloo – For celebrating their 60 th wedding anniversary. |

- 2005\246 Galen and Mary Van Dorn, Waterloo – For celebrating their 60th wedding anniversary.
- 2005\247 Florence and Mike Tovar, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\248 Mrs. Sally Meimann, Nevada – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 108

Transportation: Schickel, Chair; Jones and Mertz.

House File 121

Transportation: Jones, Chair; Huseman and Lykam.

House File 155

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 85

Commerce, Regulation and Labor: Freeman, Chair; Pettengill and Struyk.

House Study Bill 86

Commerce, Regulation and Labor: Soderberg, Chair; Quirk and Watts.

House Study Bill 88

Commerce, Regulation and Labor: Horbach, Chair; Jacoby and May.

House Study Bill 89

Commerce, Regulation and Labor: Horbach, Chair; May and D. Taylor.

House Study Bill 90

Commerce, Regulation and Labor: May, Chair; Watts and Wise.

House Study Bill 91

Natural Resources: Van Engelenhoven, Chair; Lukan and R. Olson.

House Study Bill 92

Natural Resources: Freeman, Chair; Bell, Lykam, May and Van Engelenhoven.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 106 Judiciary

Relating to the size of a jury panel in a misdemeanor criminal case.

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 AGRICULTURE

Committee Bill (Formerly House Study Bill 7), relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, January 25, 2005.

Pursuant to Rule 31.7, House File 162, was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 76), relating to the penalties for a payor who knowingly fails to withhold income or pay amounts withheld under a support order.

Fiscal Note is not required

Recommended **Do Pass**, January 27, 2005.

On motion by Jacobs of Polk the House adjourned at 1:24 p.m., until 8:45 a.m., Tuesday, February 1, 2005.

JOURNAL OF THE HOUSE

Twenty-third Calendar Day - Fifteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 1, 2005

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Guyer, pastor of Cedar Heights Presbyterian Church, Cedar Falls. He was the guest of Representative Willard Jenkins from Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, January 31, 2005 was approved.

INTRODUCTION OF BILLS

House File 167, by McCarthy and Baudler, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable.

Read first time and referred to committee on **public safety**.

House File 168, by Ford, a bill for an act relating to the use of consular identification cards as a means of personal identification.

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

House File 169, by Ford, a bill for an act repealing the Iowa English language reaffirmation Act and rules of construction for English language laws.

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

House File 170, by Swaim, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

Read first time and referred to committee on **environmental protection**.

House File 171, by Ford, a bill for an act to require certain notices regarding the external review of denied health care insurance coverage.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 172, by Ford, a bill for an act relating to registration fees for leased motor vehicles.

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

SPECIAL PRESENTATION

Murphy of Dubuque introduced to the House the following delegation from Malaysia: Juhar bin Mahiruddin, Datuk James Andrew Vitales, JP, Zakaria Bin Mohd Edris, Philip Benedict Lasimbang, Liew Yun Fah and Au Kam Wah. They are part of the Sabah—US Legislative Exchange Program. Senator Boettger of Shelby and Representative Murphy of Dubuque escorted them to the well wherein they briefly addressed the House. The committee on international relations approached the well and presented gifts to the delegation.

The House rose and expressed its welcome.

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

- | | |
|----------|---|
| 2005\249 | Marv and Jo Staake, Spirit Lake – For celebrating their 50 th wedding anniversary. |
| 2005\250 | Archie Birt, Terril – For celebrating his 80 th birthday. |
| 2005\251 | Harlan King, Spencer – For celebrating his 80 th birthday. |

- 2005\252 Tony Koth, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\253 Dena Blankespoor, Hull – For celebrating her 90th birthday.
- 2005\254 Floyd Perry, La Porte City – For celebrating his 90th birthday.
- 2005\255 Alvin and Ann Johnson, Mason City – For celebrating their 60th wedding anniversary.
- 2005\256 Bonnie Meany, Fairbank – For celebrating her 80th birthday.
- 2005\257 Merle and Edith Meyer, Maynard – For celebrating their 60th wedding anniversary.
- 2005\258 Viola Teisinger, Denver – For celebrating her 85th birthday.
- 2005\259 Willhart Schellhorn, Oelwein – For celebrating his 88th birthday.
- 2005\260 Zinita Kirchhoff, Oelwein – For celebrating her 90th birthday.
- 2005\261 Robert and Joanne Meeves, Dunlap – For celebrating their 50th wedding anniversary
- 2005\262 Art and Lorraine Beeck, Ricketts – For celebrating their 50th wedding anniversary.
- 2005\263 Bill Ullrich, Ida Grove – For celebrating his 80th birthday.
- 2005\264 Ethel Sever, Sioux City – For celebrating her 90th birthday.
- 2005\265 Alfred Oddo, Sioux City – For celebrating his 91st birthday.
- 2005\266 James McClain, Sioux City – For celebrating his 96th birthday.
- 2005\267 Don and Lorene Sawyer, Spirit Lake – For celebrating their 61st wedding anniversary
- 2005\268 Tony Moravec, Iowa Falls – For celebrating his 80th birthday.
- 2005\269 Charlotte McMillen, Alden – For celebrating her 85th birthday.
- 2005\270 Viola Hansen, Clinton – For celebrating her 90th birthday.
- 2005\271 LTG (Ret.) and Mrs. Warren Lawson (Bud and Bobbie), Ankeny – For celebrating their 50th wedding anniversary.
- 2005\272 Ernie Schmidt, Mason City – For celebrating his 80th birthday.
- 2005\273 Ruth Cooper, Mason City – For celebrating her 80th birthday.

- 2005\274 Arthur Stover, Mason City – For celebrating his 90th birthday.
- 2005\275 Kenneth and Jeanne Kalahar, Mason City – For celebrating their 63rd wedding anniversary.
- 2005\276 Arlis Meyer, Mason City – For celebrating her 94th birthday.
- 2005\277 Richard and Adrian Lambert, Mason City – For celebrating their 50th wedding anniversary.
- 2005\278 Mr. and Mrs. Richard McQuillen, Moscow – For celebrating their 50th wedding anniversary
- 2005\279 Nellie Lowery, West Branch – For celebrating her 94th birthday.
- 2005\280 Dick and Virginia Bergert, Ankeny – For celebrating their 60th wedding anniversary.
- 2005\281 Minnie Pearl Burdock, What Cheer – For celebrating her 100th birthday.
- 2005\282 Minnie Werner, Amana – For celebrating her 85th birthday.
- 2005\283 Helen James, Keswick – For celebrating her 80th birthday.
- 2005\284 Shirley Rutledge, Tama – For celebrating her 80th birthday.
- 2005\285 Bess Ingles, Tama – For celebrating her 96th birthday.
- 2005\286 Mary Meyer, Keokuk – For being named Keokuk Teacher of the Year.
- 2005\287 Donald and Thelma Blumer, Luana – For celebrating their 50th wedding anniversary.
- 2005\288 Lucille Hildebrand, Edgewood – For celebrating her 80th birthday.
- 2005\289 Ilo Glawe, Strawberry Point – For celebrating her 80th birthday.
- 2005\290 Burnell and Iva Dean Wilker, Elkader – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 12

Human Resources: Wilderdyke, Chair; Carroll and Heddens.

House File 20

Human Resources: Carroll, Chair; Petersen and Wilderdyke.

House File 46

Human Resources: Wilderdyke, Chair; Carroll and Petersen.

House File 54

Human Resources: Lukan, Chair; Granzow and Hunter.

House File 131

State Government: Roberts, Chair; Quirk and Raecker.

House File 133

Education: Dolecheck, Chair; Chambers and Wendt.

House File 134

State Government: Roberts, Chair; Quirk and Raecker.

House File 140

Human Resources: Heaton, Chair; Carroll and Foege

House File 141

State Government: Hutter, Chair; Paulsen and Whitead.

House File 146

Education: Boal, Chair; Bukta and Tomenga.

House File 147

Education: Chambers, Chair; Ford and Granzow.

House File 151

Education: Kaufmann, Chair; Ford and Roberts.

House File 156

Public Safety: De Boef, Chair; Heddens and Rayhons.

House File 157

Public Safety: De Boef, Chair; Heddens and Rayhons.

House File 161

Public Safety: Baudler, Chair; Bell and Chambers.

House File 167

Public Safety: McCarthy, Chair; Baudler and Heddens.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 82**

Commerce, Regulation and Labor: Jacobs, Chair; Shomshor and Tomenga.

House Study Bill 93

Public Safety: Eichhorn, Chair; Bell and J.R. Van Fossen.

House Study Bill 94

Public Safety: Horbach, Chair; Sands and Shoultz.

House Study Bill 106

Judiciary: Anderson, Chair; R. Olson and Tymeson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 107 State Government**

Providing for and requiring the statewide licensure of electricians and installers, providing for registration of apprentice electricians, establishing fees, providing penalties, and providing an effective date.

H.S.B. 108 Judiciary

Defining the term "possession" for purposes of the criminal law.

H.S.B. 109 Ways and Means

Relating to the financing of telecommunications projects and facilities by cities, including requirements regarding feasibility studies and reports, requiring sealed bids and approval by city voters, prohibiting financing for more than projected costs, and increasing the minimum voter approval rate for such projects, and providing effective and retroactive applicability dates.

H.S.B. 110 Human Resources

Relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

H.S.B. 111 Commerce, Regulation and Labor

Relating to awards of noneconomic damages in civil cases.

H.S.B. 112 Commerce, Regulation and Labor

Relating to workers' compensation liability insurance, and providing for civil penalties.

H.S.B. 113 Commerce, Regulation and Labor

Relating to the payment of interest on certain workers' compensation benefit payments.

H.S.B. 114 Commerce, Regulation and Labor

Relating to an award of punitive or exemplary damages in a civil case.

H.S.B. 115 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

H.S.B. 116 Commerce, Regulation and Labor

Relating to the regulation of attorney fees in workers' compensation cases.

H.S.B. 117 Human Resources

Relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

H.S.B. 118 Judiciary

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.

H.S.B. 119 Education

Relating to the compulsory school attendance age.

H.S.B. 120 Education

Relating to the responsibilities of the department of education, including the accreditation of schools and the development of long-range plans by the division of libraries and information services.

H.S.B. 121 Education

Relating to the nonpractitioner members of the board of educational examiners.

H.S.B. 122 Education

Relating to the duties and operations of the state board of education, the department of education, and local school boards, including provisions relating to dropout and dropout prevention programs, high school equivalency diplomas, the school start date, evening and part-time schools, open enrollment, requirements for school bus drivers, and extended school programs.

H.S.B. 123 Oversight

Relating to dual governmental employment by executive branch officials and state employees.

H.S.B. 124 Human Resources

Relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date.

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 ETHICS

Committee Bill (Formerly House Study Bill 4), relating to the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2005.

Committee Bill (Formerly House Study Bill 5), relating to the rules governing lobbyists in the House of Representatives.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 33), expanding the duties of the child death review team and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 11), relating to the names of business entities.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 2005.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 52), prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 27, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 35), updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 2005.

Committee Bill (Formerly House Study Bill 36), relating to the utility replacement tax task force.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 2005.

RESOLUTIONS FILED

HR 6, by committee on ethics, a resolution relating to the rules governing lobbyists in the House of Representatives.

Placed on the **calendar**.

HR 7, by committee on ethics, a resolution relating to the House code of ethics.

Placed on the **calendar**.

HR 8, by Ford and Raecker, 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**.

AMENDMENT FILED

H—1018 H.C.R 3 Roberts of Carroll

On motion by Gipp of Winneshiek the House adjourned at 9:02 a.m., until 8:45 a.m., Wednesday, February 2, 2005.

JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day - Sixteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 2, 2005

The House met pursuant to adjournment at 8:54 a.m., Speaker Rants in the chair.

Prayer was offered by Don Bramschreiber, lay pastor of the First Baptist Church, Ottumwa. He was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 1, 2005 was approved.

INTRODUCTION OF BILLS

House File 173, by committee on public safety, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties.

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

House File 174, by committee on human resources, a bill for an act relating to the penalties for a payor who knowingly fails to withhold income or pay amounts withheld under a support order.

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

House File 175, by committee on judiciary, a bill for an act relating to the names of business entities.

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

House File 176, by Petersen, Kressig and Maddox, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 177, by Murphy, a bill for an act providing for the length of term for legislative appointments to appointed boards and commissions and providing an effective and applicability date.

Read first time and referred to committee on **administration and rules**.

House File 178, by Raecker, a bill for an act providing for the inclusion of foreign exchange students in the actual enrollment of a school district.

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

House File 179, by Petersen, Huser, Wise and Dandekar, a bill for an act requiring employers to grant leaves of absence for crime victims to attend court proceedings and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 180, by Arnold, Van Engelenhoven, J.R. Van Fossen and Rasmussen, a bill for an act relating to free resident landowner deer and turkey hunting licenses.

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

House File 181, by Hogg, a bill for an act requiring carbon monoxide detectors in certain multiple-unit residential buildings and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 182, by Hunter, a bill for an act requiring the establishment of emergency plans and procedures for dialysis patients.

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

House File 183, by Maddox, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

House File 184, by Heddens and Heaton, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

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

House File 185, by Petersen, Huser, Wise, Struyk, Raecker, Elgin, Quirk, Dandekar and Hoffman, a bill for an act relating to small business development centers and making an appropriation.

Read first time and referred to committee on **economic growth**.

House File 186, by committee on ways and means, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

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

House File 187, by committee on ways and means, a bill for an act relating to the utility replacement tax task force.

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

House File 188, by Ford, a bill for an act relating to application procedures and requirements for issuance of a driver's license or nonoperator's identification card to a noncitizen.

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

House File 189, by Huser and Raecker, a bill for an act relating to political campaigns by requiring attribution statements for political polls, limiting campaign contributions for statewide and legislative elections, and imposing a penalty for falsely filing a complaint with the ethics and campaign disclosure board.

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

House File 190, by committee on human resources, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Roberts of Carroll called up for consideration **House Concurrent Resolution 3** as follows:

1 House Concurrent Resolution 3.
 2 By Committee on Administration and Rules
 3 A Concurrent Resolution relating to joint rules of
 4 the Senate and House of Representatives for the
 5 ~~Eightieth~~ Eighty-first General Assembly.
 6 *Be It Resolved By The House Of Representatives, The*
 7 *Senate Concurring*, That the joint rules of the Senate
 8 and House of Representatives for the ~~Eightieth~~ Eighty-
 9 first General Assembly shall be:
 10 JOINT RULES OF THE
 11 SENATE AND HOUSE
 12 Rule 1
 13 Suspension of Joint Rules
 14 The joint rules of the general assembly may be
 15 suspended by concurrent resolution, duly adopted by a
 16 constitutional majority of the senate and the house.
 17 Rule 2
 18 Designation of Sessions
 19 Each regular session of a general assembly shall be
 20 designated by the year in which such regular session
 21 commences.
 22 Rule 3
 23 Sessions of a General Assembly
 24 The election of officers, organization, hiring and
 25 compensation of employees, and standing committees in
 26 each house of the general assembly and action taken by
 27 each house shall carry over from the first to the

28 second regular session and to any extraordinary
29 session of the same general assembly. The status of
30 each bill and resolution shall be the same at the

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1 beginning of each second session as it was immediately
2 before adjournment of the previous regular or
3 extraordinary session; however the rules of either
4 house may provide for re-referral of some or all bills
5 and resolutions to standing committees upon
6 adjournment of each session or at the beginning of a
7 subsequent regular or extraordinary session, except
8 those which have been adopted by both houses in
9 different forms.

10 Upon final adoption of a concurrent resolution at
11 any extraordinary session affecting that session, or
12 at a regular session affecting any extraordinary
13 session which may be held before the next regular
14 session, the creation of any calendar by either house
15 shall be suspended and the business of the session
16 shall consist solely of those bills or subject matters
17 stated in the resolution adopted. Bills named in the
18 resolution, or bills containing the subject matter
19 provided for in the resolution, may, at any time, be
20 called up for debate in either house by the majority
21 leader of that house.

22 Rule 3A

23 International Relations Protocol

24 The senate and the house of representatives shall
25 comply with the international relations protocol
26 policy adopted by the international relations
27 committee of the legislative council.

28 Rule 4

29 Presentation of Messages

30 All messages between the two houses shall be sent

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1 by the secretary of the senate or the chief clerk of
2 the house of representatives, shall be communicated to
3 the presiding officer.

4 Rule 5

5 Printing and Form of Bills
6 and Other Documents

7 Bills and joint resolutions shall be introduced,
8 numbered, prepared, and printed as provided by law, or
9 in the absence of such law, in a manner determined by
10 the secretary of the senate and the chief clerk of the
11 house of representatives. Proposed bills and
12 resolutions which are not introduced but are referred
13 to committee shall be tracked in the legislative

14 computer system as are introduced bills and
 15 resolutions. The referral of proposed bills and
 16 resolutions to committee shall be entered in the
 17 journal.

18 All bills and joint resolutions introduced shall be
 19 in a form and number approved by the secretary of the
 20 senate and chief clerk of the house.

21 The legal counsel's office of each house shall
 22 approve all bills before introduction.

23 Rule 6

24 Companion Bills

25 Identical bills introduced in each house shall be
 26 called companion bills. Each house shall designate
 27 the sponsor in the usual way followed in parentheses
 28 by the sponsor of the companion bill in the other
 29 house. The house where the bill is first introduced
 30 shall print the complete text.

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1 Rule 7

2 Reprinting of Bills

3 Whenever any bill has been substantially amended by
 4 either house, the secretary of the senate or the chief
 5 clerk of the house shall order the bill reprinted on
 6 paper of a different color. All adopted amendments
 7 shall be distinguishable.

8 The secretary of the senate or the chief clerk of
 9 the house may order the printing of a reasonable
 10 number of additional copies of any bill, resolution,
 11 amendment, or journal.

12 Rule 8

13 Daily Clip Sheet

14 The secretary of the senate and the chief clerk of
 15 the house shall prepare a daily clip sheet covering
 16 all amendments filed.

17 Rule 9

18 Reintroduction of Bills and Other Measures

19 A bill or resolution which has passed one house and
 20 is rejected in the other shall not be introduced again
 21 during that general assembly.

22 Rule 10

23 Certification of Bills and Other Enrollments

24 When any bill or resolution which has passed one
 25 house is rejected or adopted in the other, notice of
 26 such action and the date thereof shall be given to the
 27 house of origin in writing signed by the secretary of
 28 the senate or the chief clerk of the house.

29 Rule 11

30 Code Editor's Correction Bills

Page 5

1 A bill recommended by the Code editor which is
2 passed out of committee to the floor for debate by a
3 committee of the house or senate within the first four
4 weeks of convening of a legislative session and which
5 contains Code corrections of a nonsubstantive nature
6 shall not be amended on the floor of either house
7 except pursuant to corrective or nonsubstantive
8 amendments filed by the judiciary committee of the
9 senate or the house. Such committee amendments,
10 whether filed at the time of initial committee passage
11 of the bill to the floor for debate or after
12 rereferral to the committee, shall not be incorporated
13 into the bill in the originating house but shall be
14 filed separately. Amendments filed from the floor to
15 strike sections of the bill or the committee
16 amendments shall be in order. Following amendment and
17 passage by the second house, only amendments filed
18 from the floor which strike sections of the amendment
19 of the second house shall be in order.

20 A bill recommended by the Code editor which is
21 passed out of committee to the floor for debate by a
22 committee of the house or senate within the first four
23 weeks of convening of a legislative session and which
24 contains Code corrections beyond those of a
25 nonsubstantive nature shall not be amended on the
26 floor of either house except pursuant to amendments
27 filed by the judiciary committee of the senate or the
28 house. Such committee amendments, whether filed at
29 the time of initial committee passage of the bill to
30 the floor for debate or after rereferral to the

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1 committee, shall not be incorporated into the bill in
2 the originating house but shall be filed separately.
3 Such a bill shall be limited to corrections which:
4 Adjust language to reflect current practices, insert
5 earlier omissions, delete redundancies and
6 inaccuracies, delete temporary language, resolve
7 inconsistencies and conflicts, update ongoing
8 provisions, and remove ambiguities. Amendments filed
9 from the floor to strike sections of the bill or the
10 committee amendments shall be in order. Following
11 amendment and passage by the second house, only
12 amendments filed from the floor which strike sections
13 of the amendment of the second house shall be in
14 order.

15 Rule 12

16 Amendments by Other House

17 1. When a bill which originated in one house is

18 amended in the other house, the house originating the
 19 bill may amend the amendment, concur in full in the
 20 amendment, or refuse to concur in full in the
 21 amendment. Precedence of motions shall be in that
 22 order. The amendment of the other house shall not be
 23 ruled out of order based on a question of germaneness.

24 a. If the house originating the bill concurs in
 25 the amendment, the bill shall then be immediately
 26 placed upon its final passage.

27 b. If the house originating the bill refuses to
 28 concur in the amendment, the bill shall be returned to
 29 the amending house which shall either:

30 (1) Recede, after which the bill shall be read for

Page 7

1 the last time and immediately placed upon its final
 2 passage; or

3 (2) Insist, which will send the bill to a
 4 conference committee.

5 c. If the house originating the bill amends the
 6 amendment, that house shall concur in the amendment as
 7 amended and the bill shall be immediately placed on
 8 final passage, and shall be returned to the other
 9 house. The other house cannot further amend the bill.

10 (1) If the amending house which gave second
 11 consideration to the bill concurs in the amendment to
 12 the amendment, the bill shall then be immediately
 13 placed upon its final passage.

14 (2) If the amending house refuses to concur in the
 15 amendment to the amendment, the bill shall be returned
 16 to the house originating the bill which shall either:

17 (a) Recede, after which the bill shall be read for
 18 the last time as amended and immediately placed upon
 19 its final passage; or

20 (b) Insist, which will send the bill to a
 21 conference committee.

22 2. A motion to recede has precedence over a motion
 23 to insist. Failure to recede means to insist; and
 24 failure to insist means to recede.

25 3. A motion to lay on the table or to indefinitely
 26 postpone shall be out of order with respect to motions
 27 to recede from or insist upon and to amendments to
 28 bills which have passed both houses.

29 4. A motion to concur, refuse to concur, recede,
 30 insist, or adopt a conference committee report is in

Page 8

1 order even though the subject matter has previously
 2 been acted upon.

3 Rule 13

4 Conference Committee

5 1. Within one legislative day after either house
6 insists upon an amendment to a bill, the presiding
7 officer of the house, after consultation with the
8 majority leader, shall appoint three majority party
9 members and, after consultation with the minority
10 leader, shall appoint two minority party members to a
11 conference committee. The majority leader of the
12 senate, after consultation with the president, shall
13 appoint three majority party members and, after
14 consultation with and approval by the minority leader,
15 shall appoint two minority party members to a
16 conference committee. The papers shall remain with
17 the house that originated the bill.

18 2. The conference committee shall meet before the
19 end of the next legislative day after their
20 appointment, shall select a chair and shall discuss
21 the controversy.

22 3. The authority of the first conference committee
23 shall cover only issues related to provisions of the
24 bill and amendments to the bill which were adopted by
25 either the senate or the house of representatives and
26 on which the senate and house of representatives
27 differed. If a conference committee report is not
28 acted upon because such action would violate this
29 subsection of this rule, the inaction on the report
30 shall constitute refusal to adopt the conference

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1 committee report and shall have the same effect as if
2 the conference committee had disagreed.

3 4. An agreement on recommendations must be
4 approved by at least three members from each house.
5 The committee shall submit two originals of the report
6 signed by at least three members of each house with
7 one signed original and three copies to be submitted
8 to each house. The report shall first be acted upon
9 in the house originating the bill. Such action,
10 including all papers, shall be immediately referred by
11 the secretary of the senate or the chief clerk of the
12 house of representatives to the other house.

13 5. The report of agreement is debatable, but
14 cannot be amended. If the report contains recommended
15 amendments to the bill, adoption of the report shall
16 automatically adopt all amendments contained therein.
17 After the report is adopted, there shall be no more
18 debate, and the bill shall immediately be placed upon
19 its final passage.

20 6. Refusal of either house to adopt the conference
21 committee report has the same effect as if the
22 committee had disagreed.

23 7. If the conference committee fails to reach
24 agreement, a report of such failure signed by at least
25 three members of each house shall be given promptly to
26 each house. The bill shall be returned to the house
27 that originated the bill, the members of the committee
28 shall be immediately discharged, and a new conference
29 committee appointed in the same manner as the first
30 conference committee.

Page 10

1 8. The authority of a second or subsequent
2 conference committee shall cover free conference
3 during which the committee has authority to propose
4 amendments to any portion of a bill provided the
5 amendment is within the subject matter content of the
6 bill as passed by the house of origin or as amended by
7 the second house.

8 Rule 14

9 Enrollment and Authentication of Bills

10 A bill or resolution which has passed both houses
11 shall be enrolled in the house of origin under the
12 direction of either the secretary or the chief clerk
13 and its house of origin shall be certified by the
14 endorsement of the secretary of the senate or the
15 chief clerk of the house.

16 After enrollment, each bill shall be signed by the
17 president of the senate and by the speaker of the
18 house.

19 Rule 15

20 Concerning Other Enrollments

21 All resolutions and other matters which are to be
22 presented to the governor for approval shall be
23 enrolled, signed, and presented in the same manner as
24 bills.

25 All resolutions and other matters which are not to
26 be presented to the governor or the secretary of state
27 shall be enrolled, signed, and retained permanently by
28 the secretary of the senate or chief clerk of the
29 house.

30 Rule 16

Page 11

1 Transmission of Bills to the Governor

2 After a bill has been signed in each house, it
3 shall be presented by the house of origin to the
4 governor by either the secretary of the senate or the
5 chief clerk of the house. The secretary or the chief
6 clerk shall report the date of the presentation, which
7 shall be entered upon the journal of the house of
8 origin.

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Rule 17

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Fiscal Notes

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A fiscal note shall be attached to any bill or joint resolution which reasonably could have an annual effect of at least one hundred thousand dollars or a combined total effect within five years after enactment of five hundred thousand dollars or more on the aggregate revenues, expenditures, or fiscal liability of the state or its subdivisions. This rule does not apply to appropriation and ways and means measures where the total effect is stated in dollar amounts.

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Each fiscal note shall state in dollars the estimated effect of the bill on the revenues, expenditures, and fiscal liability of the state or its subdivisions during the first five years after enactment. The information shall specifically note the fiscal impact for the first two years following enactment and the anticipated impact for the succeeding three years. The fiscal note shall specify the source of the information. Sources of funds for expenditures under the bill shall be stated, including

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federal funds. If the fiscal director cannot make an accurate estimate ~~cannot be made~~, the director ~~fiscal~~ note shall state the best available estimate or shall state that no dollar estimate can be made and state concisely the reason.

The preliminary determination of whether the bill appears to require a fiscal note shall be made by the legal services staff of the legislative service bureau ~~which shall send a copy of the request to the legislative fiscal bureau unless services agency.~~ Unless the requestor specifies the request is to be confidential. ~~Upon, upon~~ completion of the bill draft, the ~~legislative service bureau legal services staff~~ shall immediately send a copy to the legislative fiscal services director for review.

When a committee reports a bill to the floor, the committee shall state in the report whether a fiscal note is or is not required.

The legislative fiscal services director ~~or the director's designee~~ shall review all bills placed on the senate or house calendars to determine whether the bills are subject to this rule.

Additionally, a legislator may request the preparation of a fiscal note by the legislative fiscal bureau services staff for any bill or joint resolution introduced which reasonably could be subject to this rule.

28 The legislative fiscal services director or the
29 director's designee shall cause to be prepared and
30 shall approve a fiscal note within a reasonable time

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1 after receiving a request or determining that a bill
2 is subject to this rule. All fiscal notes approved by
3 the legislative fiscal bureau services director or the
4 director's designee shall be transmitted immediately
5 to the secretary of the senate or the chief clerk of
6 the house, after notifying the sponsor of the bill
7 that a fiscal note has been prepared, for publication
8 in the daily clip sheet. The secretary of the senate
9 or chief clerk of the house shall attach the fiscal
10 note to the bill as soon as it is available.

11 The legislative fiscal services director may
12 request the cooperation of any state department or
13 agency in preparing a fiscal note.

14 A revised fiscal note may be requested by a
15 legislator if the fiscal effect of the bill has been
16 changed by adoption of an amendment. However, a
17 request for a revised fiscal note shall not delay
18 action on a bill unless so ordered by the presiding
19 officer of the house in which the bill is under
20 consideration.

21 If a date for adjournment has been set, then a
22 constitutional majority of the house in which the bill
23 is under consideration may waive the fiscal note
24 requirement during the three days prior to the date
25 set for adjournment.

Rule 18

Legislative Interns

28 Legislators may arrange student internships during
29 the legislative session with Iowa college, university,
30 or law school students, for which the students may

Page 14

1 receive college credit at the discretion of their
2 schools. Each legislator is allowed only one intern
3 at a time per legislative session, and all interns
4 must be registered with the offices of the secretary
5 of the senate and the chief clerk of the house.

6 The purpose of the legislative intern program shall
7 be: to provide useful staff services to legislators
8 not otherwise provided by the general assembly; to
9 give interested college, graduate, and law school
10 students practical experience in the legislative
11 process as well as providing a meaningful educational
12 experience; and to enrich the curriculum of
13 participating colleges and universities.

14 The secretary of the senate and the chief clerk of
15 the house or their designees shall have the following
16 responsibilities as regards the legislative intern
17 program:

18 1. Identify a supervising faculty member at each
19 participating institution who shall be responsible for
20 authorizing students to participate in the intern
21 program.

22 2. Provide legislators with a list of
23 participating institutions and the names of
24 supervising professors to contact if interested in
25 arranging for an intern.

26 3. Provide interns with name badges which will
27 allow them access to the floor of either house when
28 required to be present by the legislators for whom
29 they work.

30 4. Provide orientation materials to interns prior

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1 to the convening of each session.

2 Rule 19

3 Administrative Rules Review Committee Bills
4 and Rule Referrals

5 A bill which relates to departmental rules and
6 which is approved by the administrative rules review
7 committee by a majority of the committee's members of
8 each house is eligible for introduction in either
9 house at any time and must be referred to a standing
10 committee, which must take action on the bill within
11 three weeks of referral, except bills referred to
12 appropriations and ways and means committees.

13 If, on or after July 1, 1999, the administrative
14 rules review committee delays the effective date of a
15 rule until the adjournment of the next regular session
16 of the general assembly and the speaker of the house
17 or the president of the senate refers the rule to a
18 standing committee, the standing committee shall
19 review the rule within twenty-one days of the referral
20 and shall take formal committee action by sponsoring a
21 joint resolution to disapprove the rule, by proposing
22 legislation relating to the rule, or by refusing to
23 propose a joint resolution or legislation concerning
24 the rule. The standing committee shall inform the
25 administrative rules review committee of the committee
26 action taken concerning the rule.

27 Rule 20

28 Time of Committee Passage and Consideration of Bills

29 1. This rule does not apply to concurrent or
30 simple resolutions, joint resolutions nullifying

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1 administrative rules, senate confirmations, or bills
2 passed by both houses in different forms. Subsection
3 2 of this rule does not apply to appropriations bills,
4 ways and means bills, government oversight bills,
5 legalizing acts, administrative rules review committee
6 bills, bills sponsored by standing committees in
7 response to a referral from the president of the
8 senate or the speaker of the house of representatives
9 relating to an administrative rule whose effective
10 date has been delayed until the adjournment of the
11 next regular session of the general assembly by the
12 administrative rules review committee, bills
13 cosponsored by majority and minority floor leaders of
14 one house, bills in conference committee, and
15 companion bills sponsored by the majority floor
16 leaders of both houses after consultation with the
17 respective minority floor leaders. For the purposes
18 of this rule, a joint resolution is considered as a
19 bill. To be considered an appropriations, ways and
20 means, or government oversight bill for the purposes
21 of this rule, the appropriations committee, the ways
22 and means committee, or the government oversight
23 committee must either be the sponsor of the bill or
24 the committee of first referral in the originating
25 house.
26 2. To be placed on the calendar in the house of
27 origin, a bill must be first reported out of a
28 standing committee by Friday of the 9th week of the
29 first session and the 8th week of the second session.
30 To be placed on the calendar in the other house, a

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1 bill must be first reported out of a standing
2 committee by Friday of the 13th week of the first
3 session and the 11th week of the second session.
4 3. During the 11th week of the first session and
5 the 9th week of the second session, each house shall
6 consider only bills originating in that house and
7 unfinished business. During the 14th week of the
8 first session and the 12th week of the second session,
9 each house shall consider only bills originating in
10 the other house and unfinished business. Beginning
11 with the 15th week of the first session and the 13th
12 week of the second session, each house shall consider
13 only bills passed by both houses, bills exempt from
14 subsection 2, and unfinished business.
15 4. A motion to reconsider filed and not disposed
16 of on an action taken on a bill or resolution which is
17 subject to a deadline under this rule may be called up

18 at any time before or after the day of the deadline by
19 the person filing the motion or after the deadline by
20 the majority floor leader, notwithstanding any other
21 rule to the contrary.

22 Rule 21

23 Resolutions

24 1. A "concurrent resolution" is a resolution to be
25 adopted by both houses of the general assembly which
26 expresses the sentiment of the general assembly or
27 deals with temporary legislative matters. It may
28 authorize the expenditure, for any legislative
29 purpose, of funds appropriated to the general
30 assembly. A concurrent resolution is not limited to,

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1 but may provide for a joint convention of the general
2 assembly, adjournment or recess of the general
3 assembly, or requests to a state agency or to the
4 general assembly or a committee. A concurrent
5 resolution requires the affirmative vote of a majority
6 of the senators or representatives present and voting
7 unless otherwise specified by statute. A concurrent
8 resolution does not require the governor's approval
9 unless otherwise specified by statute. A concurrent
10 resolution shall be filed with the secretary of the
11 senate or the chief clerk of the house. A concurrent
12 resolution shall be printed in the bound journal after
13 its adoption.

14 2. A "joint resolution" is a resolution which
15 requires for approval the affirmative vote of a
16 constitutional majority of each house of the general
17 assembly. A joint resolution which appropriates funds
18 or enacts temporary laws must contain the clause "Be
19 It Enacted by the General Assembly of the State of
20 Iowa:", is equivalent to a bill, and must be
21 transmitted to the governor for his approval. A joint
22 resolution which proposes amendments to the
23 Constitution of the State of Iowa, ratifies amendments
24 to the Constitution of the United States, proposes a
25 request to Congress or an agency of the government of
26 the United States of America, proposes to Congress an
27 amendment to the Constitution of the United States of
28 America, nullifies an administrative rule, or creates
29 a special commission or committee must contain the
30 clause "Be It Resolved by the General Assembly of the

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1 State of Iowa:" and shall not be transmitted to the
2 governor. A joint resolution shall not amend a
3 statute in the Code of Iowa.

4 Rule 22

5 Nullification Resolutions

6 A "nullification resolution" is a joint resolution
7 which nullifies all of an administrative rule, or a
8 severable item of an administrative rule adopted
9 pursuant to chapter 17A of the Code. A nullification
10 resolution shall not amend an administrative rule by
11 adding language or by inserting new language in lieu
12 of existing language.

13 A nullification resolution is debatable, but cannot
14 be amended on the floor of the house or senate. The
15 effective date of a nullification resolution shall be
16 stated in the resolution. Any motions filed to
17 reconsider adoption of a nullification resolution must
18 be disposed of within one legislative day of the
19 filing.

20 Rule 23

21 Consideration of Vetoes

22 1. The senate and house calendar shall include a
23 list known as the "Veto Calendar." The veto calendar
24 shall consist of:

25 a. Bills returned to that house by the governor in
26 accordance with Article III, section 16 of the
27 Constitution of the State of Iowa.

28 b. Appropriations items returned to that house by
29 the governor in accordance with Article III, section
30 16 of the Constitution of the State of Iowa.

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1 c. Bills and appropriations items received from
2 the other house after that house has voted to override
3 a veto of them by the governor.

4 2. Vetoed bills and appropriations items shall
5 automatically be placed on the veto calendar upon
6 receipt. Vetoed bills and appropriations items shall
7 not be referred to committee.

8 3. Upon first publication in the veto calendar,
9 the senate majority leader or the house majority
10 leader may call up a vetoed bill or appropriations
11 item at any time.

12 4. The affirmative vote of two-thirds of the
13 members of the body by record roll call is required on
14 a motion to override an executive veto or item veto.

15 5. A motion to override an executive veto or item
16 veto is debatable. A vetoed bill or appropriation
17 item cannot be amended in this case.

18 6. The vote by which a motion to override an
19 executive veto or item veto passes or fails to pass
20 either house is not subject to reconsideration under
21 senate rule 24 or house rule 73.

22 7. The secretary of the senate or the chief clerk

23 of the house shall immediately notify the other house
 24 of the adoption or rejection of a motion to override
 25 an executive veto or item veto.
 26 8. All bills and appropriations items on the veto
 27 calendar shall be disposed of before adjournment sine
 28 die, unless the house having a bill or appropriation
 29 item before it declines to do so by unanimous consent.
 30 9. Bills and appropriations items on the veto

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1 calendar are exempt from deadlines imposed by joint
 2 rule 20.

Roberts of Carroll offered amendment H-1018 filed by him as follows:

H-1018

1 Amend House Concurrent Resolution 3 as follows:

2 1. Page 1, by inserting after line 21 the
 3 following:

4 "Rule 2A

5 Equal Number of Elected Party Members in Senate

6 If the senate has an equal number of elected party
 7 members, all references in these rules to powers and
 8 duties of the president shall apply to powers and
 9 duties to be shared equally by the two co-presidents
 10 and all references in these rules to powers and duties
 11 of the majority and minority leaders shall apply to
 12 powers and duties to be shared equally by the two co-
 13 floor leaders.

14 Notwithstanding the provisions of joint rule 13,
 15 subsection 1, relating to the number of senate members
 16 of conference committees and the appointing
 17 authorities for those members, if the senate has an
 18 equal number of elected party members, the two co-
 19 floor leaders, after consultation with the two co-
 20 presidents, shall jointly appoint six members to
 21 conference committees created pursuant to joint rule
 22 13."

23 2. Page 3, line 2, by inserting after the word
 24 "representatives," the following: "and".

25 3. Page 5, by striking lines 3 and 4 and
 26 inserting the following: "committee of the house or
 27 senate ~~within the first four weeks of convening of a~~
 28 ~~legislative session and which".~~

29 4. Page 5, by striking lines 22 and 23 and
 30 inserting the following: "committee of the house or
 31 senate ~~within the first four weeks of convening of a~~
 32 ~~legislative session and which".~~

- 33 5. Page 6, by inserting after line 14 the
 34 following:
 35 "It is the intent of the house and the senate that
 36 such bills be passed out of committee to the floor for
 37 debate within the first four weeks of convening of a
 38 legislative session."
- 39 6. Page 9, line 4, by striking the words "at
 40 least three" and inserting the following: "at least
 41 three a majority of the committee".
- 42 7. Page 9, line 6, by striking the words "at
 43 least three" and inserting the following: "at least
 44 three a majority of the committee".
- 45 8. Page 9, lines 24 and 25, by striking the words
 46 "at least three" and inserting the following: "at
 47 least three a majority of the committee".
- 48 9. Page 10, line 12, by inserting after the word
 49 "secretary" the following: "of the senate".
- 50 10. Page 10, line 12, by inserting after the word

Page 2

- 1 "clerk" the following: "of the house".

Roberts of Carroll offered the following amendment H-1019, to amendment H-1018, filed by him from the floor and moved its adoption:

H-1019

- 1 Amend the amendment, H-1018, to House Concurrent
 2 Resolution 3 as follows:
 3 1. Page 1, by striking lines 6 through 22 and
 4 inserting the following:
 5 "As long as Senate Resolution 1, as adopted during
 6 the 2005 regular legislative session, is in effect,
 7 the following shall apply:
 8 1. All references in these rules to powers and
 9 duties of the senate president or majority or minority
 10 leaders shall be interpreted in accordance with Senate
 11 Resolution 1.
 12 2. Notwithstanding joint rule 13, subsection 1,
 13 the senate co-floor leaders shall jointly appoint six
 14 members to conference committees created pursuant to
 15 joint rule 13 in accordance with Senate Resolution
 16 1."

Amendment H-1019 was adopted.

On motion by Roberts of Carroll, amendment H-1018, as amended, was adopted.

Roberts of Carroll moved the adoption of House Concurrent Resolution 3, as amended.

The motion prevailed and the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 3** be immediately messaged to the Senate.

SENATE FILE 75 REREFERRED

The Speaker announced that Senate File 75, previously referred to committee on **state government** was rereferred to committee on **education**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 2, 2005, he approved and transmitted to the Secretary of State the following bill:

Senate File 36, 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.

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

- | | |
|----------|---|
| 2005\291 | Burdette and Ester Ewoldt, Paullina – For celebrating their 50 th wedding anniversary. |
| 2005\292 | Ray and Virginia Heiar, Dubuque – For celebrating their 50 th wedding anniversary. |

- 2005\293 Paul and Dot Cabell, Albia – For celebrating their 60th wedding anniversary.
- 2005\294 Harold and Della Parker, Albia – For celebrating their 60th wedding anniversary.
- 2005\295 Ina Kretschmar, Davenport – For celebrating her 96th birthday.
- 2005\296 Goldie Boese, Oskaloosa – For celebrating her 80th birthday.
- 2005\297 Golda Sleeuwenhoek, Grinnell – For celebrating her 80th birthday.
- 2005\298 Roberta Buffington, Oskaloosa – For celebrating her 80th birthday.
- 2005\299 Sister Catherine Dunn, President of Clarke College, Dubuque – For her 22 years of dedicated service as Clarke College President.
- 2005\300 Della Merrill, Winthrop – For celebrating her 85th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 159

Natural Resources: Baudler, Chair; Arnold and Whitaker.

House File 165

Natural Resources: Arnold, Chair; D. Taylor and Upmeyer.

House File 185

Economic Growth: Struyk, Chair; Anderson and Dandekar.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 54

Transportation: Huser, Chair; Arnold, Cohoon, S. Olson and Rasmussen.

House Study Bill 80

Transportation: Tjepkes, Chair; Huser and Rasmussen.

House Study Bill 95

Human Resources: Upmeyer, Chair; Jacoby and Wilderdyke.

House Study Bill 96

Human Resources: Tomenga, Chair; Kurtenbach and Smith.

House Study Bill 97

Human Resources: Lukan, Chair; Berry and Granzow.

House Study Bill 98

Human Resources: Wilderdyke, Chair; Carroll and Smith.

House Study Bill 99

Human Resources: Tymeson, Chair; Tomenga and Wendt.

House Study Bill 100

Human Resources: Tomenga, Chair; Heaton and Wendt.

House Study Bill 101

Human Resources: Upmeyer, Chair; Freeman and Hunter.

House Study Bill 102

Human Resources: Upmeyer, Chair; Hunter and Roberts.

House Study Bill 103

Human Resources: Freeman, Chair; Hunter and Roberts.

House Study Bill 104

Human Resources: Hutter, Chair; Berry and Kurtenbach.

House Study Bill 105

Human Resources: Granzow, Chair; Berry and Lukan.

House Study Bill 107

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House Study Bill 108

Judiciary: Anderson, Chair; Paulsen and Smith.

House Study Bill 110

Human Resources: Upmeyer, Chair; Foegen, Granzow, Heaton, Jacoby, Roberts and Smith.

House Study Bill 111

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House Study Bill 112

Commerce, Regulation and Labor: Horbach, Chair; Struyk and Wise.

House Study Bill 113

Commerce, Regulation and Labor: Struyk, Chair; Freeman and Pettengill.

House Study Bill 114

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Oldson.

House Study Bill 115

Judiciary: Kaufmann, Chair; Eichhorn and Wessel-Kroeschell.

House Study Bill 116

Commerce, Regulation and Labor: Horbach, Chair; Kressig and Struyk.

House Study Bill 117

Human Resources: Carroll, Chair; Smith and Wilderdyke.

House Study Bill 118

Judiciary: Maddox, Chair; Anderson and Wessel-Kroeschell.

House Study Bill 119

Education: Kaufmann, Chair; Mascher and Paulsen.

House Study Bill 120

Education: Carroll, Chair; Soderberg and Wise.

House Study Bill 121

Education: Tymeson, Chair; Chambers and Cohoon.

House Study Bill 122

Education: Kaufmann, Chair; Boal and Oldson.

House Study Bill 123

Government Oversight: Raecker, Chair; Alons and Thomas.

House Study Bill 124

Human Resources: Carroll, Chair; Foege, Heaton, Smith and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 125 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

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 COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House Study Bill 14), relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Fiscal Note is not required.

Recommended **Do Pass** February 1, 2005.

On motion by Gipp of Winneshiek the House adjourned at 9:10 a.m., until 8:45 a.m., Thursday, February 3, 2005.

JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day - Seventeenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 3, 2005

The House met pursuant to adjournment at 8:52 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Stephanie Raphael-Nakos, pastor of Willard Street United Methodist Church, Ottumwa. She was the guest of Representative Mary Gaskill from Wapello County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 2, 2005 was approved.

INTRODUCTION OF BILLS

House File 191, by Chambers, a bill for an act limiting earning restrictions for Iowa public employees' retirement system retirees.

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

House File 192, by Swaim, a bill for an act creating a special motor vehicle registration plate for website advertising and making an appropriation.

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

House File 193, by Huser, a bill for an act relating to value-added agricultural projects under the rail assistance program, making an appropriation, and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 194, by Swaim, Frevert and Kuhn, a bill for an act providing for the modification of specified school district budget guarantee provisions, and providing an effective date.

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

House File 195, by Anderson, a bill for an act relating to city waterworks franchises.

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

House File 196, by Rants, a bill for an act providing for the establishment of a hepatitis C awareness program.

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

House File 197, by committee on commerce, regulation and labor, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

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

House File 198, by Huser and Boal, a bill for an act relating to the property tax levy for emergency services provided to residents of certain townships and including effective date and applicability date provisions.

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

House File 199, by Fallon, a bill for an act relating to the penalty for unlawfully buying or selling a wild animal or part of a wild animal.

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

House File 200, by Foege, Wessel-Kroeschell, D. Olson, Heddens, Kressig, Hogg, Swaim, Berry and Shoultz, a bill for an act relating to water quality protection standards and providing an effective date.

Read first time and referred to committee on **environmental protection**.

House File 201, by Quirk and Kuhn, a bill for an act relating to the types of grants awarded under the senior living trust fund.

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

House File 202, by Greiner, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

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

House File 203, by Quirk, a bill for an act relating to criteria for reimbursement of owners of aboveground petroleum storage tank sites and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **environmental protection**.

House File 204, by Foege and Heddens, a bill for an act relating to the creation of a children's environmental health and protection advisory council.

Read first time and referred to committee on **environmental protection**.

PRESENTATION OF VISITORS

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

Forty-nine sixth grade students from Roosevelt Elementary School, Ames, Iowa, accompanied by Shawn Peterson, Marlys Hindman and Nancy Anderson, By Wessel-Kroeschell of Story.

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

- 2005\301 Samantha Adams, Dubuque – For receiving 2nd place for her essay in the 5th Grade Division of the 2004 Martin Luther King Jr. Tribute Contest.
- 2005\302 Sarah Dikis, Urbandale – For receiving 2nd place in the Solo Division of the Midwest Cheer and Dance Championship.
- 2005\303 Kelsey Kumm, Urbandale – For winning 1st place in the Solo Division of the Midwest Cheer and Dance Championship.
- 2005\304 Urbandale High School Jaywalkers, Urbandale – For winning 1st place in the Varsity High Kick Division of the Midwest Cheer and Dance Championship.
- 2005\305 Urbandale High School Jaywalkers, Urbandale – For winning 1st place in the Varsity High Kick Division of the Spirit of America Dance Team Competition.
- 2005\306 Urbandale High School Jaywalkers, Urbandale – For winning 1st place in the High Kick Category of the Iowa State Dance and Drill Team Association's State Championship Competition.

SUBCOMMITTEE ASSIGNMENTS

House File 86

Human Resources: Granzow, Chair; Heddens and Lukan.

House File 115

Commerce, Regulation and Labor: Sands, Chair; Quirk and Tomenga.

House File 119

Appropriations: Watts, Chair; Horbach and Smith.

House File 126

Transportation: Rasmussen, Chair; McCarthy and Tjepkes.

House File 145

State Government: Paulsen, Chair; Boal and Ford.

House File 149

Natural Resources: May, Chair; Bell, Freeman, Lykam and Upmeyer.

House File 153

Transportation: Rasmussen, Chair; Elgin and McCarthy.

House File 162

Appropriations: De Boef, Chair; May and Mertz.

House File 172

Transportation: S. Olson, Chair; Huseman and Lykam.

House File 178

Education: Tomenga, Chair; Mascher and Raecker.

House File 180

Natural Resources: Rasmussen, Chair; Davitt and Van Engelenhoven.

House File 189

State Government: Raecker, Chair; Jochum and Roberts.

House File 194

Education: Tymeson, Chair; Boal and Wise.

Senate File 57

Local Government: Tjepkes, Chair; Jones and Whitead.

Senate File 74

Commerce, Regulation and Labor: Sands, Chair; Hoffman and Pettengill.

Senate File 75

Education: Chambers, Chair; Oldson and Roberts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 63 Reassigned**

State Government: Raecker, Chair; Greiner and T. Taylor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 126 Ways and Means**

Modifying the road use tax fund allocations and providing an effective date.

H.S.B. 127 State Government

Relating to the licensing and regulation of plumbers and mechanical professionals, providing an appropriation and penalties, and providing an effective date.

H.S.B. 128 State Government

Relating to duties of the secretary of state, by providing for transfer of the professional licensing and regulation division of the department of commerce to the secretary of state's office, and for transfer of duties relating to conduct of elections and voter registration from the office of secretary of state to the Iowa ethics and campaign disclosure board, and providing an effective date.

H.S.B. 129 Commerce, Regulation and Labor

Relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

H.S.B. 130 Commerce, Regulation and Labor

Relating to the labor commissioner's regulatory duties and responsibilities regarding occupational safety and health, including training for inspections and investigations.

H.S.B. 131 Commerce, Regulation and Labor

Concerning authorized testing substances for private sector employee drug testing.

H.S.B. 132 Commerce, Regulation and Labor

Relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

H.S.B. 133 Commerce, Regulation and Labor

Require a waiting period prior to eligibility for unemployment benefits.

H.S.B. 134 Commerce, Regulation and Labor

Eliminate additional unemployment benefit wage credits in cases of plant closings.

H.S.B. 135 State Government

Increasing the membership of the real estate commission.

H.S.B. 136 State Government

Relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

H.S.B. 137 Economic Growth

Relating to economic development activities by creating the grow Iowa values fund, increasing the number of members on the Iowa economic development board, allowing the creation of economic development regions, authorizing the certification of and development of cultural districts, requiring coordination of regulatory assistance, providing tax credits, and making appropriations.

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 LOCAL GOVERNMENT

Committee Bill (Formerly House File 29), relating to the nonpartisan election of township officers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 125), relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, drivers licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 123), relating to the criminal penalty surcharge and creating a criminalistics laboratory fund.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2005.

On motion by Gipp of Winneshiek the House adjourned at 9:01 a.m., until 9:00 a.m., Friday, February 4, 2005.

JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day - Eighteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 4, 2005

The House met pursuant to adjournment at 9:27 a.m., Watts of Dallas in the chair.

Prayer was offered by the Honorable Ralph Watts, state representative from Dallas County.

The Journal of Thursday, February 3, 2005 was approved.

INTRODUCTION OF BILLS

House File 205, by Dolecheck, a bill for an act permitting certain advertising devices on property located along a primary highway.

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

House File 206, by Baudler, a bill for an act relating to the purchase of additional antlerless deer licenses by resident hunters.

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

House File 207, by Jacobs, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

House File 208, by Wendt, a bill for an act reducing earning restrictions for Iowa public employees' retirement system retirees.

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

House File 209, by Mascher, a bill for an act providing for special late voter registration to enable an eligible elector to vote at the polling place on election day and providing a durational residency requirement for voting.

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

House File 210, by Mascher, a bill for an act providing for the retention of licensing and renewal fees received by the board of nursing, and providing an effective date.

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

House File 211, by Jochum, a bill for an act establishing general election day as a state public holiday.

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

House File 212, by Mascher, a bill for an act directing the board of educational examiners to convene an educator licensing review working group.

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

House File 213, by Watts, a bill for an act relating to the definition of telecommunicator for purposes of telecommunicator training standards promulgated by the Iowa law enforcement academy.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 214, by Jochum, a bill for an act relating to genetic testing, by regulating genetic testing and information, prohibiting certain uses by employers, insurers, and others, and providing exceptions and remedies.

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

House File 215, by Schickel, Tjepkes, Tomenga, Rayhons, Wessel-Kroeschell, Shoultz, Foege and Wendt, a bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for appropriation of the increased revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date.

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

House File 216, by committee on transportation, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 3, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-first General Assembly.

Also: that the Senate has on February 3, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

MICHAEL E. MARSHALL, Secretary

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 19, 2005, and is on file in the office of the Chief Clerk:

January 19, 2005

Chief Clerk
House of Representatives
Statehouse
LOCAL

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements and Judgments (general torts and highway) paid during 2004 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,
David A. Vaudt
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED
BY THE STATE APPEAL BOARD – 2005

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T000063	State Farm Ins. as subrogee of Rolanda C. Jenn Estate	State vehicle turned into path of claimant's vehicle	\$850.80	\$850.80
T001099	Bill Rands	Claimant alleges he had his computer screen damaged and computer games stolen through the foster care program with DHS	\$85.00	\$50.00
T011219	Midland Power Cooperative	State vehicle left roadway, striking claimant property	\$682.24	\$682.24
T020195	Floyd J. Koob	State rear-ended truck at traffic light	\$283.50	\$389.29
T020661	Robert William Kenney	Claimant seeks reimbursement for clothing purchased for him by staff of the Iowa Veterans home but items were never placed in claimants property	\$256.79	\$6.96

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030038	Lindsay Renee Saunders	Fell due to pothole	\$300.00	\$243.39
T030056	Mark Grosland	Claimant, his wife and their three minor children were injured in an automobile accident with an Iowa State Patrol car	\$21,973.00	\$54,036.25
T030172	James R. Wetherby	Claimant alleges failure to timely treat and diagnose cancer which resulted in a below the knee amputation	\$400,000.00	\$132,300.00
T030252	Cleve Jesse Wynn, deceased (Connie & Robert Bureau, co-administrators of the estate	Autopsy report shows evidence of chronic bronchitis, or an asthmatic condition existing at the time of death	\$750,000.00	\$120,593.75
T030487	Leslie Brinson-Benjamin (Jocelyn Muhammad Administrator-Estate-Leslie Brinson-Benjamin	Claimant was an inmate at Anamosa who assaulted staff and then placed in strip cell and put on a fifteen minute watch due to his bizarre behavior – when staff entered cell, it was determined that he was dead.	Unspecified	\$175,000.00
T030634	David Simmons #1150757	Claimant alleges that some of his hobby craft items were lost by staff	\$276.45	\$246.45
T030656	Travis E. Salinas	Bicycle equipment damage from snow equipment	\$118.72	\$118.72
T030679	Jodi Jean Bremer	State vehicle struck claimant vehicle in parking lot	\$1,899.11	\$1,814.01
T030681	Coca-Cola Enterprises	State vehicle backed into claimant vehicle	\$438.33	\$438.33

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T030726	Ashlee Garr	State vehicle struck parked claimant vehicle.	\$20,029.90	\$2,167.62
T030764	John C. Hanson	Claimant was injured and his moped totaled when a driver from the U of I Surplus Store pulled his heavy duty pick-up truck in front of claimant	Unspecified	\$18,202.89
T030816	Edwin J. Hamm	Claimant alleges she sustained third degree burns from a tooth extraction	\$100,000.00	\$150,498.75
T030827	Michael James Downs #0801617	Claimant was inmate at Mt Pleasant Correctional Facility and was being transferred to North Central Correctional facility and glasses were lost	\$460.00	\$460.00
T030831	Linda A. Lamour, Administrator of Estate of Laverne Leo Tinkey	Claimant choked and died as a result of being given a microwaved peanut butter and jelly sandwich	\$200,575.00	\$200,575.00
T040091	American Family Ins Co ASO Dave Bills	State backed into claimants vehicle	\$1,779.30	\$889.65
T040099	Rita Netha Rodgers	DOT truck allegedly lost rock, dmg windshield	\$307.00	\$307.74
T040112	Keith & Heather Hubbard	Claimant seeks termination fee for breaking the lease agreement prior to the end of contract at the ISU Family Housing facility because of the unit becoming infested with brown recluse spiders	\$6,020.00	\$500.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040131	Progressive Ins Co ASO Mearl Truman Luvaas	DOT bobcat allegedly backed into side of vehicle	\$3,122.37	\$2,801.36
T040158	Ronald D. Snyder	Claimant alleges that after a liver transplant surgery was conducted to remove a foreign body in his abdomen, he claims that this event affected his recovery from the liver transplant	\$450,000.00	\$25,690.00
T040168	Veda & Murlyn Nicholson	Claimant seeks damages when a large snow thrower caused a white-out condition causing a three car pile-up	\$10,765.83	\$7,500.00
T040172	Justin Marshall Pierce	Computer stolen due to use of master key	\$600.00	\$600.00
T040191	Michael Ryan Enger	Camera missing while in Memorial Union custody	\$160.00	\$160.00
T040196	Etta Kosbau	Claimant suffered injuries to her teeth, face, neck & back after she tripped and fell on a rug at ISU	\$25,000.00	\$12,000.00
T040204	Clancy Johnson Snipes	State veh struck claimant vehicle during turn	\$1,435.49	\$1,435.49
T040212	Erik Triggs	Alleges clothing damaged by rusty water in residence hall laundry room	\$137.50	\$137.50
T040231	Fred W. Loeb	Vehicle damage from falling parking barrier	\$537.24	\$537.24
T040234	Brain David Sullivan	Veh allegedly got yellow paint – DOT painting	\$168.80	\$168.80
T040245	Shelley Ranae Voight	DOT vehicle allegedly crossed the center line and struck two oncoming vehicles	\$18,082.31	\$15,871.13

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040248	Dale E Goettelman	DOT truck allegedly threw rock dmg windshield	\$281.87	\$281.87
T040250	EMC Ins Co ASO Atlantic Bottling Co	State vehicle rolled back into parked claimant vehicle	\$3,343.18	\$3,343.18
T040254	Frank L. Creamer	State valet locked keys in vehicle. Claimant vehicle damaged during key retrieval	\$73.72	\$73.72
T040258	Randy Lee Bockenstedt	Patrol boat struck the claimant's boat causing minor damage to the finish and bumper guard when doing safety inspection	\$651.20	\$651.20
T040259	Martha Richards	State valet struck vehicle with claimant vehicle	\$976.63	\$978.63
T040260	Marlin Evers	Vehicle damage from parking barricade	\$384.60	\$384.60
T040266	Phillip D. Walsh	DOT vehicle allegedly swerved into the path of claimant's vehicle and struck it head on	Unspecified	\$409.19
T040268	Becky Mercial	Tar from DOT operation alg sprayed onto vehicle	\$406.75	\$406.75
T040269	Kenneth E. Dettbarn	State struck claimant vehicle while exiting bus lane	\$868.40	\$868.40
T040272	Moochoun Song	State vehicle rear-ended claimant vehicle at stoplight	\$515.49	\$515.49
T040273	Lance Sattler	MVE gun alg scraped side of vehicle	\$350.00	\$328.60
T040276	Kathleen L. Burkett	State valet struck claimant vehicle	\$1,100.66	\$1,100.66

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040278	Paul David Gladden	Claimant vehicle was vandalized while in the possession of University of Iowa valet services	\$676.71	\$544.18
T040279	Jessica Doran	DOT mower alg threw rock shattering window	\$247.68	\$247.68
T040280	Gerard Electric, Inc.	Vehicle damage from parking sign	\$518.76	\$518.76
T040281	Gerard Electric, Inc.	Vehicle damage from parking sign	\$749.55	\$749.55
T040282	Kathy Snodgrass	DOT truck alg lost gravel dmg vehicle	\$641.86	\$641.86
T040286	Alvin Keuning	DOT alg dmg beans from chemical overspray	\$150.00	\$150.00
T040291	Amber Nichole Johnson	DOT vehicle alg backed up, hit vehicle	\$1,604.57	\$1,604.57
T040292	Budget Rent-A-Car	State driver struck wall with claimant vehicle	\$2,151.82	\$1,953.80
T040293	City of Primghar	Dot veh alg backed into utility pole	\$668.12	\$668.12
T040295	MetLife Auto & Home ASO Phillip Walsh	DOT vehicle allegedly swerved in the path of claimant's vehicle and struck it head on	\$11,158.93	\$13,411.02
T040297	Nicholas D. Caple	Claimant's vehicle damaged when a state of Iowa employee was on business in North Carolina for the University of Iowa when the vehicle collided with his	\$34,000.00	\$13,200.00
T040298	Berkeley D. Greenwood	State struck claimant during pursuit	\$1,050.36	\$1,050.36
T040299	Ruth Ann Baker	DOT paint truck alg backed into vehicle rental	\$1,250.93+	\$1,418.93

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040303	Amanda Rose Birchem	State struck claimant vehicle while changing lanes	\$2,269.11	\$2,269.11
T040304	Catherine A. Ockensfels-Jordahl	State rear-ended claimant vehicle	\$417.35	\$417.35
T040306	Floyd B. Klocke	DOT mower alg threw rock dmg windshield	\$418.70	\$415.23
T040309	C.B. Acres & Corry Busch	DOT alg dmg beans from herbicide spray	\$210.00	\$210.00
T040310	Marty Busch	DOT alg dmg corn from herbicide spray	\$218.50	\$218.50
T040316	Sandra Perez	State valet driver struck vehicle with claimant vehicle	\$676.47	\$676.47
T040318	Linda Hanson	State backed into parked claimant vehicle	\$2,371.60	\$2,371.60
T040319	Cincinnati Ins Co Aso Martin Property Management	State driver failed to obey a stop sign and struck a vehicle in the intersection	Unspecified	\$4,112.11
T040320	David D. Field	State struck by claimant as state failed to yield	\$3,800.00	\$3,275.00
T040323	Rodger J. Slings	DOT alg dmg beans from chemical spray	\$598.40	\$598.40
T040326	Gayle Jayne Mogren	Nebulizer lost by valet	\$102.00	\$102.00
T040327	Craig Betcher Trucking Inc.	State struck parked claimant vehicle	\$905.76	\$905.76
T040329	Jodi Lynn Hopkins	DOT truck alg backed into vehicle	\$1,101.91	\$1,101.91
T040330	Michael Eugene Shultz	State struck claimant while backing from parking	\$994.03	\$994.03
T040332	Lena Joanne Frein (Charles J. Frein)	State backed into claimant vehicle	\$633.78	\$633.78

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040334	Andrew Pitzer	DOT mower alg threw rocks dmg vehicle	\$793.79	\$793.79
T040335	Larry J. Sprecher	DOT alg dmg corn from herbicide spray	\$111.86	\$111.86
T040337	Chandueane Sophan	State struck claimant vehicle while changing lanes	\$2,731.61	\$3,106.20
T040342	Emily Ruth Braucht	State driver rear-ended claimant's vehicle	\$159,398.73	\$11,292.64
T040344	Daniel J. Schall	DOT mower alg threw rock dmg windshield	\$247.60	\$247.60
T040345	Clarence Pernel Simmons	State vehicle turned into claimant vehicle	\$500.00	\$210.00
T040346	Enterprise Rent-A-Car	State struck pole with claimant vehicle	\$863.16	\$863.16
T040350	Scott Alan Cook	DOT vehicle alg backed into parked vehicle	\$620.74	\$620.74
T040352	Rodger Raymond Boertje	DOT alg dmg beans from chemical overspray	\$432.00	\$432.00
T040354	Cindy Fonken	State rear-ended claimant vehicle	\$2,209.68	\$2,209.68
T040355	Ronald L. Gunnare	Claimant's vehicle damaged by a DOT truck that backed into him	\$3,273.00	\$5,055.62
T040356	Elaine Haddy	Oil spilled from exhaust coating claimant vehicle	\$126.00	\$126.00
T040361	Nearmyer Farm Company	DOT alg dmg beans from chemical overspray	\$245.00	\$245.00
T040362	State Farm Insurance ASO Jeffrey L. Frey	State vehicle struck claimant vehicle while parking	\$1,718.85	\$1,718.85

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040363	Aaron Scott Klauer	State backed over claimant bicycle	\$205.39	\$205.39
T040366	Miranda Kae Stark	DOT mower alg threw rocks dmg vehicle	\$613.23	\$613.23
T040368	Mary Pat Mitchell	Alleges mower damaged parked car	\$394.54	\$394.54
T040372	Michelle Marie Bock	State struck claimant vehicle while changing lanes	\$1,580.60	\$1,298.78
T040373	Joyce M. Kubicek	DOT vehicle alg changed lanes and struck vehicle	\$982.90	\$982.90
T040374	Keith Sweeney	Claimant's personal vehicle was damaged when an IMG maintenance van backed into the right rear bumper of claimant's vehicle	\$875.32	\$875.32
T040376	Robert C. Johnson	DOT alg dmg corn from herbicide overspray	\$450.00	\$450.00
T040379	Lois A. Schmitz	Claimant was attempting to enter State Complex parking Lot 12 and gate arm came down on her vehicle	\$795.23	\$795.23
T040380	Ronald R. Richmond	Valet driver struck a vehicle with the claimant vehicle	\$945.00	\$941.70
T040381	Nicholas Joseph Decker	Wiring in room came loose and damaged property	\$180.18	\$180.18
T040387	Helen M. & Marvin P. Bissen	Claimant slipped and fell at the Iowa State Fair and sustained a fractured femur	\$100.00+	\$70,000.00
T040390	Farm Bureau Mutual Ins. Co. ASO Monte Konopasek	State failed to yield, struck claimant	\$2,782.07	\$2,782.07

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040391	Stacey Alan Carlson	DOT truck alg lost rocks dmg vehicle	\$3,036.48	\$3,036.48
T040392	Samol Thlang	Claimant is state employee at Terrace Hill where his vehicle was damaged when a garbage dumpster when a garbage dumpster rolled down the hill and his vehicle	\$1,006.80	\$1,006.80
T040394	American Family Ins. Group ASO Young Kyoo Joo	State rear-ended claimant vehicle	\$1,192.37	\$1,258.37
T040395	Brian Dennis Johnson	Vehicle damaged by tent blown around in parking lot	\$3,561.66	\$3,561.66
T040396	George A. Stock	Veh alg dmg when hit snow that fell off pole	\$1,205.50	\$1,205.50
T040397	Keotharangsith Synarong	State driver rear-ended claimant vehicle	\$1,275.57	\$1,275.57
T040399	Daniel Gisell	Bridge lost during extraction procedures	\$880.00	\$880.00
T040402	Amy C. Hayes	Vehicle damaged by tent	\$1,976.58	\$1,976.58
T040407	Steve and Cindy Campbell	DOT mower alg threw debris dmg vehicle	\$548.43	\$548.43
T040408	EMC Risk Services, Inc. as subrogee of Brad/Heather Boustead	State vehicle backed into claimant's vehicle	\$2,050.75	\$2,050.75
T040410	Joshua R. Tinkham	Claimant sustained injuries at UNI when he fell from the stage level to a lower level in the Strayer-Woods Theater	\$50,000.00	\$13,500.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040415	James Frazier	State struck oncoming claimant vehicle	\$167.19	\$167.19
T040416	Gary P. Niles	Unoccupied State vehicle rolled into claimant vehicle	\$1,676.07	\$1,676.07
T040417	Elola Ibrahim	State vehicle backed into claimant vehicle	\$2,000.00	\$2,073.15
T040423	Jene Lynn Greif	DOT plow pushed snow off overpass dmg vehicle	\$2,205.19	\$2,205.19
T040425	City of Sibley	DOT plow wing alg dmg light poles	\$2,256.02	\$2,256.02
T040426	Donald J. Herbers	Algs soybeans damaged from chemical spray	\$237.00	\$237.00
T040430	Donald L. Hinz	State rear-ended claimant vehicle	\$489.81	\$489.81
T040431	Kevin Earl Swain	DOT plow alg turned corner & clipped vehicle mirror	\$360.48	\$249.83
T040432	Chris Alan Basinger	State rear-ended claimant vehicle	\$922.24	\$1,513.74
T040434	American Standard Ins ASO Michael Katz	State struck parked claimant vehicle	\$1,187.88	\$1,187.88
T040435	Tim Davis	DOT plow alg threw snow off overpass dmg vehicle	\$287.40	\$287.40
T040439	John Williams Egly III	State vehicle backed into claimant vehicle	\$4,123.58	\$3,675.58
T040440	Tekeshia Pearson	Sprinkler damage to cell phone	Unspecified	\$139.00
T040442	Charles H. McGrady	State struck claimant while exiting parking space	\$1,368.34	\$1,368.34
T040445	Holiday Inn-South	Alleges UI band damaged tactility	\$471.00	\$471.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040447	Sydney Schneider	Sprinkler damage to lamp and clock	\$15.00	\$17.07
T040453	Joseph A. Holt	Claimant files this claim alleging the state erroneously withheld child support obligations from his payroll for 26 pay periods rather than the correct period of 24 pay periods over five years	\$2,032.00	\$2,032.00
T040455	City of Lake Mills	State backed into claimant vehicle	\$750.00	\$713.40
T040458	Margaret A. Schumacher	State vehicle struck claimant vehicle during left turn	\$456.86	\$456.86
T040465	Al's Sausage Inc	DOT plow alg struck & dmg semi's tire & rim	\$478.23	\$478.23
T040470	Hawkeye Security Insurance as subrogee for Bonnie Crippen	State backed into parked claimant vehicle	\$397.93	\$397.93
T040471	Bonnie M. Crippen	State backed into parked claimant vehicle	\$500.00	\$500.00
T040472	North Central Cooperative	#03696926 2-24-04 DOT paid; Dot snow plow was clearing ramps and backed into the traveled portion of the main line and was struck by an oncoming semi tractor	\$7,667.56	\$7,667.56
T040473	Tami L. Langer	State rear-ended claimant	\$774.24	\$774.24
T040474	Robert William Jones	DOT snow plow alg threw rock dmg windshield	\$187.41	\$187.41

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040477	Michael C. Loyd	DOT vehicle alg backed into EE's parked vehicle	\$2,994.04	\$2,600.00
T040478	Western Co-op Transport Association	State ran over unattended fueling hose	\$352.90	\$352.90
T040483	Deborah Kae Zunkel	DOT plow alg threw rock dmg windshield	\$535.92	\$535.92
T040485	James Dean Benway	State struck claimant while exiting parking space	\$671.91	\$639.58
T040487	Michael J. Donohue	Exposed to chemical, told to go to ER	\$610.00	\$610.00
T040488	State Farm Ins. ASO Gene M. Nicholson	Claimant vehicle damaged when a snow thrower caused a white-out causing the three car accident	\$5,859.97	\$3,500.00
T040491	Randy Jay Waldren	DOT plow slid into pole, pole broke house window	\$173.22	\$173.22
T040493	Jones Co Sheriff's Office	DOT plow alg clipped deputy vehicle	\$150.57	\$150.57
T040494	Robert Peterson	Dentures misplaced during admissions procedure	\$1,754.00	\$1,754.00
T040495	IMT Insurance Co ASO Sue A. Thompson	Vehicle damage from parking block rebar	\$720.46	\$720.46
T040496	Sue Ann Thompson	Vehicle damage from parking block rebar	\$554.84	\$554.48
T040497	LeRoy Koedam	DOT plow alg struck and dmg mailbox	\$50.00	\$52.85
T040501	Randy James Wood	DOT vehicle alg backed into vehicle	\$2,291.41	\$2,291.41
T040503	Donald G. Rilling	DOT mower alg threw rock dmg vehicle	\$363.63	\$363.63

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040504	Amber Lynnae McHugh	Claimant is an employee of DNR whose personal vehicle was damaged while parked in its assign parking area from a dumpster	\$2,224.00	\$2,224.00
T040505	General Services Administration	State turned left from right hand lane, striking claimant in left lane traveling in the same direction	Unspecified	\$1,099.32
T040510	Benjamin Gregory Steege	Vehicle struck by falling tree	\$891.99	\$891.99
T040515	Darrell D. Scott	State valet driver struck object with claimant's vehicle	\$1,438.39	\$391.83
T040520	Paul Steven Klimesh	DOT snow plow alg backed into vehicle	\$1,200.54	\$1,200.54
T040521	Judith K. Cooper	DOT plow alg hit parked vehicle	\$2,000.00	\$2,052.19
T040525	Teresa Benda	Medical mismanagement led to pregnancy	\$4,000.00	\$4,000.00
T040526	Howard L. Hackbart	State rear-ended claimant's vehicle	\$854.01	\$854.01
T040527	Dennis O. Peterson	DOT plow alg pushed snow onto vehicle windshield	\$260.46	\$260.46
T040529	Todd D. Kuxhausen	Claimant's tire was damaged from stop sticks placed by ISP troopers attempting to stop a speeder	\$126.71	\$126.71
T040530	Kate Jurjevich	Claimant's tire was damaged from stop sticks placed by ISP troopers attempting to stop a speeder	\$194.07	\$194.07

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040531	Chicago Transit Authority	State struck claimant while changing lanes	\$123.91	\$123.91
T040532	Theresa Veronica Lunski	DOT snow plow alg struck parked vehicle	\$932.16	\$932.16
T040533	Donna Marie Yoder	DOT snow plow threw salt dmg windshield	\$379.19	379.19
T040536	Carl Alfred Carstens	DOT dumping dirt alg hit wires and light pole	\$3,325.72	\$3,325.72
T040537	Enterprise Rent-A-Car	State vehicle rear ended claimant vehicle	\$2,171.55	\$2,171.55
T040538	Progressive Insurance Co as subrogee of Bonnie Storey	State turned into path of claimant's vehicle	\$1,988.99	\$1,988.99
T040545	Jesusita Nicole Huff (Enciso)	State vehicle struck parked claimant's vehicle	\$1,279.69	\$1,188.12
T040547	IMT Ins Co as subrogee of Leonard Wasko	State valet struck a vehicle with claimants vehicle	\$2,127.18	\$2,127.18
T040549	Roger F Froehle	DOT plow alg pulled in front of vehicle at stop light	\$4,425.00	\$3,725.00
T040550	City of Sibley	DOT snow plow alg hit utility pole	\$826.59	\$826.59
T040551	Leary V. Smith	DOT snow blow alg threw debris dmg windshield	\$149.00	149.00
T040552	Patrick Burrell	DOT plow alg struck and dmg vehicle	\$4,531.76	\$2,245.01
T040553	Liberty Mutual ASO Patricia Doty	Items blew from the back of state vehicle striking claimant's vehicle	\$1,349.22	\$1,349.22
T040554	Hennessey-Aman Funeral Home	DOT vehicle making left turn, hit by vehicle	\$1,987.42	\$977.92

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040562	Rhonda Rene Reuschling	Veh dmg when plow alg knocked off chunk of curb	\$1,104.82	\$1,104.82
T040567	Judith A Mason	State backed into claimant's vehicle	\$709.69	\$709.69
T040568	Ted Earl Severeid III #1146234	Claimant seeks reimbursement for his TV which he claims was accidentally broken by cell house staff at ISP	\$174.45	\$165.00
T040569	Acuity Insurance	Vehicle damaged by falling portable toilet	\$1,311.14	\$1,311.14
T040572	Emily Ann Christensen	DOT plow alg pushed snow off bridge dmg windshield	\$205.26	\$205.26
T040573	Clyde Allen Jorgensen	Damage to brake from valet	\$93.57	\$93.57
T040574	Andrea Kay Penisten	Vehicle damaged by falling parking gate	\$364.41	\$364.41
T040575	Louise Evelyn Baker	Claimant tripped and fell as she entered the VI Building at the Fairgrounds	\$5,309.25	\$3,185.55
T040578	Jon Michael Christensen	Claimant is an employee of the DNR and DNR's ATV dmg his own pick-up truck when it was backed into	\$637.36	\$637.36
T040579	Laura Kay Heiserman	Claimant's vehicle hit by DOT snow plow at IVH	\$1,633.40	\$1,799.90
T040580	Christopher M Missel	Salt fell from state vehicle dmg claimant's vehicle	\$720.00	\$720.58
T040581	Arpan Dan	Vehicle dmg by snow removal equipment	\$1,413.03	\$1,413.03
T040584	Syed Noor A Tirmizi	Vehicle dmg by snow removal equipment	\$460.78	\$460.78

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040588	David & Julie Garr	DOT Snowplow struck & dmg mailbox	\$55.00	\$55.00
T040592	Rhonda Carmen Volz	DOT Snowplow moved over & hit vehicle	\$536.30	\$536.30
T040593	Linda Ritland	State backed into parked claimant vehicle	\$362.99	\$362.99
T040594	Mark Owen Higgins	Claimant is an employee at ASP where his vehicle was side swipped by a snow plow owned by DOT	\$500.00	\$500.00
T040596	Cheryl Nadine Pegg	DOT plow alg struck & dmg mailbox	\$60.00	\$55.11
T040597	Interstate Chemical Company Inc.	DOT plow alg struck & dmg vehicle parked on ramp	\$1,778.97	\$1,778.97
T040598	Terry Dunlap	State struck parked claimant vehicle	\$585.27	\$575.27
T040601	Leslie Uiric Beal	Claimant's personal property was misplaced by staff at the Fort Des Moines Community Correctional Facility	\$285.00	\$55.00
T040602	Robert John Becker	DOT plow pulled out, vehicle lost control (no contact)	\$1,141.15	\$570.58
T040603	Brodie N. Knox	Veh hit piece of snow plow blade dmg tire	\$64.74	\$64.74
T040604	Dennis L. O'Niel	Veh alg hit loose bridge plate dmg veh	\$423.33	\$423.33
T040605	Randall James Howard	Veh dmg by parking gate arm	\$900.00	\$547.27
T040609	Phyllis Jean Gaffney	State backed into parked claimant	\$340.91	\$340.91
T040611	Chanthee Vohanh	DOT snow blower alg threw debris dmg windshield	\$211.97	\$211.97

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040612	Allan Arthur Nelson	DOT plow alg slid on snow, struck & dmg veh	\$236.00	\$236.00
T040613	Allan Arthur Nelson	DOT plow alg slid on snow, struck & dmg veh	\$3,436.34	\$3,436.34
T040618	Tina M. Spallo	Injury from metal edge in restroom	\$483.25	\$533.25
T040620	Lisa Jo Schomberg	Mis-diagnosis of an infected cuticle resulting in prescribing unnecessary antibiotics, causing a drug- induced hepatitis	\$6,233.52	\$6,233.52
T040622	Jon (David) Abbuehl	Water dmg to books	\$191.69	\$191.69
T040627	Loyd E Koopman	State struck claimant vehicle while entering traffic way	Unspecified	\$356.74
T040629	David Lee Westphal	DOT plow alg lost part, vehicle ran over it	\$436.33	\$436.33
T040632	Alamo RAC	State backed into parked claimant's veh	\$325.87	\$275.87
T040636	Kerry Linn Guy #0208589	Claimant alleges that his TV was dmg by the Newton Correctional Facility Staff	\$255.49	\$168.50
T040637	Jeff L. Winters #10405267	Claimant alleges that his TV was dmg during transfer from ASP to the Newton Correctional Facility	\$230.00	\$168.50
T040638	Furrow Trucking Inc	DOT plowing alg clipped semi mirror	\$132.89	\$132.89
T040639	Farmers Ins Co Inc	Veh dmg from manhole cover in street	\$696.27	\$936.27
T040640	Steven S Reeder	State backed into claimant vehicle	\$1,299.20	\$1,229.20

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040642	Louis & Kimberly Barlow	Water dmg to personal property in dorm	\$613.40	\$613.40
T040643	Earleen Marie Dingeman	DOT pickup alg backed across line, veh hit	\$702.35	\$702.35
T040648	Gregory T Fitzpatrick	DOT plow blade alg hit & dmg tail light	\$839.06	\$839.06
T040649	AIG Insurance ASO Kenneth Yarrington	DOT plow wing alg clipped oncoming veh	\$4,996.93	\$4,996.93
T040652	Sarah Clarise Sothman	DOT plow alg hit veh that slid off road	\$2,169.91	\$2,169.91
T040653	Donald H. Summers	DOT sand truck alg threw rock dmg windshield	\$253.84	\$253.84
T040657	Melvin & Deborah Baxter	Crop dmg due to archeological investigation	\$68.84	\$68.84
T040659	Bethany Holten	State failed to yield right of way, was struck by claimant	Unspecified	\$906.14
T040673	Troy Lance Miller	Veh alg dmg by slush, debris thrown across median	\$2,111.93	\$2,111.93
T040674	Douglass E. Cadotte	Claimant alleges that his TV was dmg by ISP staff	\$171.00	\$169.75
T040675	State Farm Ins Co as subrogee of Carla Buckingham	State struck claimant veh while backing	\$3,017.45	\$3,017.45
T040676	Nancy K Erickson	Claimant alleges that she fell in a dimly lit area as a volunteer for the phone bank at a IPT event	\$581.10	\$550.00
T040678	Nicholas A. Gerritson	DOT snowplow alg backed into veh	\$297.25	\$297.25
T040679	Daryl Ray Bailey	DOT Plow alg pushed snow off bridge dmg windshield	\$270.48	\$270.48

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040680	MidAmerican Energy Company	DOT plow alg struck & dmg utility poll	\$604.81	\$604.81
T040681	MidAmerican Energy	DOT plow alg hit and knocked down light pole	\$1,897.29	\$1,897.29
T040686	Craig David Schlatter	DOT plow alg struck & dmg mail box	\$50.00	\$74.96
T040689	Cindy Lou Shepard	Dot plow threw snow off overpass dmg windshield	\$188.66	\$188.66
T040691	Emily Catherine Schreiner	Pipe burst in dorm room, dmg property	\$121.00	\$121.00
T040692	Tyneisha S. Orr	Water damage to property from broken pipe	\$80.00	\$78.00
T040693	Kingdom Uchenna Nwaneri	Water damage to property from broken pipe	\$750.00	\$750.00
T040699	Mark Richard Dettman	State rear-ended claimant vehicle	\$990.03	\$990.03
T040704	Marlene Jean Driscoll	State valet driver struck a vehicle with claimant vehicle	\$608.60	\$608.60
T040705	Steven Joseph Strait	State backed into claimant	\$924.82	\$723.82
T040707	Patricia Brooks	Claimant vehicle was struck when a state vehicle pulled from a yield sign	\$9,719.56	\$9,719.56
T040708	Audrey L Van Valkenburg	Injured by falling ladder	\$344.00	\$344.00
T040711	Mary J. White	DOT plow alg damaged mailbox	\$25.54	\$25.54
T040712	Greenfield Municipal Utilities	DOT veh alg hit & dmg utility pole	\$1,095.33	\$1,095.33
T040713	Daniel Tovar	Valet struck claimant vehicle with car door	\$583.91	\$583.91

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040714	Suzanna D. Sinift	State turned into the path of the claimant's vehicle	\$1,970.11	\$1,970.11
T040715	Pamela L. Spahn	DOT plow alg backed into & dmg vehicle	\$2,755.59	\$2,755.59
T040716	Sue Ann O'Loughlin	DOT snow plow alg backed into & dmg vehicle	\$314.22	\$314.22
T040717	Horace Mann Insurance Company as subrogee of Antoine Bechara	State hit parked claimant car	\$875.99	\$875.99
T040718	Carlton R. Mueller	State backed into claimant vehicle	\$1,654.43	\$1,654.43
T040719	Pekin Insurance Company as subrogee of Steven Buris Patrick	DOT plow making U-turn; hit by vehicle	\$4,718.14	\$4,718.14
T040720	Margerie Doud	Loss of dentures during procedure	\$1,450.00	\$1,450.00
T040721	Rock Rapids Municipal Utilities	DOT plow alg struck & dmg light/utility pole	\$1,343.20	\$1,343.20
T040725	State Farm Insurance Company as subrogee of Warren & Beverly Colvin	State struck claimant vehicle in intersection	\$2,066.59	\$2,066.59
T040727	James E. Bower	State damaged console of claimant's vehicle	\$362.99	\$362.99
T040728	AFNI Insurance Solutions as subrogee of State Farm for Margaret Klawiter	Vehicle damaged by snow removal equipment	\$2,397.16	\$2,397.16
T040731	Nancy A. Clearwater	Water damage to property from broken pipe	\$1,591.30	\$1,591.30
T040732	Progressive Insurance as subrogee of Alan Wolf	State struck parked claimant vehicle	\$1,226.48	\$1,226.48

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040734	Hanna Chang	State rear-ended claimant vehicle	Unspecified	\$416.99
T040735	Donna Tran	Injury from fall on icy sidewalk	\$1,200.00	\$698.54
T040737	Bri Vanden Einde	State struck parked claimant vehicle	\$451.33	\$451.33
T040746	CRCR Corp- DBA Budget Car Rental	State damaged rental van while driving	\$3,954.30	\$4,354.70
T040749	James Bennett Meads	State struck parked claimant vehicle	\$788.10	\$788.10
T040753	Allied Property and Casualty as subrogee for Malik Juweid	Valet hit parked claimant	\$1,287.77	\$1,287.77
T040754	Leo Earl Anderson	DOT veh alg rear-ended stopped vehicle	\$381.02	\$381.02
T040755	Stacy Lynn Salter	Tree branch alg fell on parked veh in rest area	\$775.00	\$775.76
T040756	Michael L. Comer	State hit claimant while turning	\$1,599.28	\$1,599.28
T040763	William R. Brown	State crossed in front of path of claimant	\$2,406.62	\$2,406.62
T040765	Mary Irene McDonald	DOT cat dozer alg backed into mail carrier	\$3,079.15	\$3,079.15
T040766	Deborah Hanus	Claimant is the director of the Iowa Juvenile Home and alleges that her window of her private vehicle was shattered as IJV staff mowed the campus lawn	\$347.25	\$347.25
T040768	The Wittern Group	State rear-ended claimant at traffic light	\$758.55	\$758.55
T040770	Deborah Rae Carlson	DOT alg sprayed tar drifted on vehicle	\$159.00	\$159.00
T040775	Ralph J. Ulrich	DOT truck alg threw rock dmg windshield	Unspecified	\$284.87

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040777	Selorm Atiedu	State backed into parked claimant	\$1,146.34	\$1,396.34
T040778	Patricia Jane Salsbury	State hit parked claimant	\$487.00	\$487.00
T040779	Stephanie A. Walker	Claimant is an employee of the Woodward Resource Center where her personal vehicle had damage done to the passenger side	\$947.25	\$947.25
T040781	Karla Renee' South	State rear-ended claimant's vehicle	\$758.28	\$673.84
T040782	Bryon Douglas Day	State rear-ended claimant	\$2,095.22	\$2,095.22
T040787	Bonnie Jo Weiss	Claimant is an employee of the ICN and while making a delivery in the Lucas building, her jacket was torn by a faulty door jam	\$41.99	\$41.99
T040788	Sarah A. Albrecht	DOT plow alg threw rock dmg windshield	\$297.09	\$297.09
T040789	Michael Aaron Bascom	State backed into claimant	\$742.50	\$742.50
T040792	Wessels Oil Company, Inc./dba Pronto Marlek	State struck canopy of claimant's gas station	\$359.30	\$359.30
T040794	City of Clarion	DOT vehicle alg struck & damaged 2 fire hydrants	\$2,800.00	\$2,800.00
T040796	Kristine M. Johnson	State valet driver struck parked vehicle with claimant vehicle	\$1,066.05	\$920.73

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040798	Cheryl Lynn McGrory	Claimant's vehicle damaged when institute's lawn mower kicked up a rock shattering the side passenger's window	\$220.91	\$220.91
T040814	Jerry L. Williams	Stop sign alg fell on vehicle damaged door	\$509.77	\$385.63
T040816	Catherine G. Goddard	Vehicle damaged by parking gate metal	\$914.60	\$914.60
T040818	Keith Edward Crossland	State backed into parked claimant vehicle	\$265.93	\$265.93
T040829	Youngren Excavating Inc.	Veh dmg when it hit bridge joint	\$521.66	\$464.93
T040836	Arthur Elvin Killinger	Claimant's cell vandalized when all inmates were out for yard exercise	\$200.00	\$109.00
T040837	Dan Deery Rental and Leasing	State driving rental vehicle, struck concrete column	\$1,297.80	\$1,297.80
T040838	Ryan J. Tenges	Vehicle damage from helium tank	\$648.75	\$648.75
T040839	Beryl M. Johnson	DOT plow struck & dmg mailbox	Unspecified	\$73.00
T040845	Seedstock Plus, LLC	ISU mis-read test for BVD on bulls	\$2,000.00	\$2,000.00
T040847	Jamie Leigh Schraer	DOT mower alg threw object dmg vehicle	\$1,233.72	\$1,233.72
T040850	William R. Moore	Claimant alleges that his watch was misplaced by staff	\$35.00	\$35.00
T040854	Dorothy Ingalls	Eye protheses lost by staff	\$2,790.00	\$2,790.00

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040855	Marsha Peters	State backed into parked claimant vehicle	\$3,176.45	\$3,176.45
T040857	Adam Jeffrey Flagg	State vehicle rear-ended claimant vehicle	\$5,350.00	\$4,458.79
T040858	Selective Insurance Company a subrogee of Reflections Glass & Mirrors	State rear-ended claimant vehicle at red light	\$3,679.69	\$3,679.69
T040860	Stuart Eric Garner	Wrongful arrest	\$4,000.00	\$4,000.00
T040861	Timothy Michael Carey	Algs error on DL record resulted in arrest	\$220.00	\$220.00
T040862	Tijnana R. Anthony	DOT plow pushed snow off overpass dmg windshield	\$348.22	\$348.22
T040864	Kim Vrotsos Ruhter	State backed into claimant's vehicle	\$709.64	\$677.53
T040865	SISCO as subrogee for Nicole M. Kluesner	Claimant seeks reimbursement of medical expenses and wage losses she incurred as a result of a slip and fall on the steps of the State Capitol	\$1,863.30	\$1,863.30
T040866	Bradley Michael Thompson	DOT vehicle alg lost rocks, damaged windshield, etc.	\$1,822.83	\$1,822.83
T040871	Pamela J. Hamberger	DOT mower alg threw rock dmg side window	\$806.44	\$456.44
T040872	Susan Harriman	Personal items lost during room transfer	\$219.93	\$219.93
T040875	RC Construction, Inc.	DOT mower alg threw rock dmg side window	\$334.79	\$334.79
T040876	Robert Thomas Griffin	State vehicle rear-ended claimant's vehicle	\$467.76	\$467.76

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040883	Douglas Salvesson	DOT mower alg threw object dmg vehicle	\$1,710.39	\$1,710.39
T040884	Cynthia Lee Carter	Breakage of dentures from cookie	\$120.00	\$120.00
T040885	Laura Jane Duke	DOT mower alg threw object shattering vehicle window	\$268.03	\$268.03
T040886	Ryan Davis	Dead tree branch fell on car	\$316.87	\$316.87
T040892	KC Real Estate, L.C.	State struck garage door at property owned by claimant	\$1,606.96	\$1,606.96
T040893	Elaine Feuerhelm	DOT truck alg threw rocks damaged vehicle	\$1,140.88	\$1,140.88
T040896	Andrew Miedema	DOT mower alg threw rocks, damaged windshield & fender	\$659.82	\$659.82
T040899	Gina Marie Wingert	Traffic counter cable alg damaged tire	\$71.02	\$71.02
T040904	Michael C. Kasperbauer	DOT vehicle alg backed into and damaged vehicle	\$746.03	\$669.34
T040906	Ruth Colleen Jones	State valet driver struck pole with claimant vehicle	\$395.80	\$395.80
T040908	Sysco Food Services of Iowa, Inc.	State struck parked claimant vehicle	\$839.55	\$839.55
T040912	United Fire and Casualty Company as subrogee for Dan Stewart	State struck parked claimant vehicle	\$1,592.85	\$1,592.85
T040914	William & Grant Luther	Claimant is the insurance carrier for William Luther who was the driver of his vehicle when it was hit at the IA Air Natl Guard	\$11,437.11	\$11,437.11

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T040916	Carolyn Mae Ernst	Car damaged by golf cart	\$525.35	\$525.35
T040918	Justin Edward Zaletel	State rear-ended claimant vehicle	\$3,736.07	\$4,031.17
T040920	Tom Zebus	State struck claimant vehicle fence and corner post	\$775.00	\$775.00
T040927	American Family Insurance as subrogee for Nathan Neal Woodford	DOT mower alg threw rock dmg window	\$388.87	\$388.87
T040928	Don L. VandeBerg	DOT mower alg threw rock dmg veh	\$2,323.09	\$2,323.09
T040931	Margaret Morrison	DOT veh alg backed into & dmg parked vehicle	\$827.48	\$413.74
T050004	Tex A. Johnson	DOT veh alg pushed snow over bridge/ dmg windshield	\$1,041.01	\$1,041.01
T050006	Liberty Mutual Insurance as subrogee for Brad D. Gibson	State rear-ended a vehicle, pushing it into claimant vehicle, which was then pushed into another vehicle	\$1,617.10	\$1,617.10
T050010	Geneveive Elsie Walsh	DOT veh alg hit oncoming veh on rain-slick road	\$534.00	\$1,034.00
T050014	Jerome John Lenth	DOT mower alg threw rock dmg vehicle	\$314.34	\$314.34
T050015	Budge Rent-A-Car	Rental vehicle damaged while state employee was driving	\$1,384.64	\$1,384.64
T050018	Ord Equipment Inc.	MV officer alg cited truck with improper violations	\$290.17	\$290.17
T050020	Melissa Ann Korte	State's vehicle door struck claimant vehicle	\$931.64	\$931.64

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050021	Terry W. Hawkins	Claimant's vehicle damaged while being washed by inmates at the car wash operated on the grounds	\$126.00	\$126.00
T050023	Deborah Renee Davis	Claimant was rear-ended by state vehicle 1894	unknown	\$8,479.70
T050024	Deborah A. Kruse	DOT mower alg threw rock, dmg veh & rear window	\$663.85	\$1,534.45
T050025	Qwest CMR	DOT grader alg dmg buried cable	\$189.93	\$189.93
T050030	Christine Miller	DOT mower alg threw rocks dmg windshield	\$65.00	\$65.00
T050032	Richelle Angela R. Luna	DOT mower alg threw rock dmg windshield	\$259.44	\$259.44
T050033	Enrique Avila	State attempted lane change, forcing claimant from roadway	\$4,000.00	\$3,475.00
T050036	Valerie M. Guttau	Claimant is an employee of the Cherokee MHI and employees were mowing grass and rocks were thrown breaking claimant's windshield	\$622.82	\$622.82
T050037	Sherry P. Humphreys	State backed from parking space into passing claimant's vehicle	\$1,142.25	\$1,094.79
T050039	Kathleen Z McCall	Claimant is an employee of the State Training School and her vehicle was damaged when students were mowing and windshield broke	\$231.95	\$231.95

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050040	Erica Marie Uthoff-Schmueker	DOT truck alg threw rock, dmg windshield	\$700.00	\$666.67
T050046	Robert Lonnie Showers	Algs corn flooded by plugged ditch drain	\$450.00	\$450.00
T050050	Marsha Lucille Noel	DOT Plow alg dmg mailbox	\$49.97	\$53.47
T050052	Lavern Arnold Stork	Claimant was a campground host at Wilson Island State Park when a tree branch fell during a storm tearing the awning on his camper	\$325.00	\$325.00
T050056	John R Murray	DOT mower alg threw rock dmg rear window	\$174.54	\$174.54
T050058	American Family Insurance Group as subrogee for Kenneth R. Cupl	State backed into claimant's vehicle	\$1,453.32	\$1,604.34
T050059	Lorna Mae Welk	State failed to yield and struck claimant's vehicle	\$6,236.50	\$2,880.00
T050060	Susan Shum	DOT snow plow pulled out in front of claimant's vehicle	\$8,373.46	\$8,373.46
T050062	Pamela J Anderson	DOT truck alg lost rock dmg windshield	\$225.40	\$225.40
T050071	Eldon Ageroth Jr	DOT blading shoulders alg thru rock dmg windshield	\$501.78	\$501.78
T050073	Todd Joeph Hutchins	DOT vehicle turning left, hit by oncoming vehicle	\$3,396.81	\$3,243.93
T050075	Audrey Loucille Miller	Veh dmg when struck traffic counter hose	\$29.35	\$29.35
T050076	Thomas James Weidenbacher	DOT mower threw rock alg/dmg pickup box	\$785.67	\$933.27

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050078	Michael Mark Miller	DOT vehicle rearended claimant's vehicle	\$8,713.30	\$8,713.30
T050079	Sally Naber	DOT vehicle turned left, hit vehicle coming from left	\$584.50	\$584.50
T050080	Jack L Riley Sr	Road sealant alg dmg vehicle	\$610.56	\$610.56
T050083	Carl F Bouler III	DOT jackhammer alg knocked concrete on vehicles	\$958.61	\$958.61
T050084	Dan Nysven	Mower threw rock hitting parked car	\$208.17	\$208.17
T050090	State Farm Insurance as subrogee of Christopher Felder	State backed into parked claimant vehicles	\$1,673.07	\$1,673.07
T050092	Craig L. Miles Jr.	Alleges that staff damaged his TV and now seeks reimbursement	\$127.34	\$130.75
T050093	Wesley D. Sotzen	State backed into parked claimant's vehicle	\$1,302.53	\$1,302.53
T050094	Lydia Liedman	Claimant vehicle dmg while in state valet parking	\$461.95	\$461.95
T050095	Anamosa Area Ambulance	DOT plow alg clipped deputy vehicle	\$574.68	\$574.68
T050100	Anne Katherine Lorenc	State vehicle backed into parked claimant vehicle	\$2,208.26	\$2,001.02
T050102	Aaron William Koch	Claimant's vehicle damaged while attempting to transfer a juvenile to another facility	\$424.66	\$424.66
T050108	Tiffani D. Connell	State struck claimant vehicle	\$912.06	\$912.06

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050110	Steve & Christopher Opp	State rear-ended claimant vehicle	\$3,173.75	\$3,173.75
T050111	Hyung Seok Choi	Sate backed into claimant vehicle	\$2,978.57	\$2,978.57
T050114	Mark A. Peska	DOT vehicle alg pulled into path of vehicle	\$1,565.74	\$1,565.74
T050115	Robert Eugene Walters	DOT jackhammer alg knocked concrete on vehicles	\$1,481.87	\$1,481.87
T050116	Leigh Jackson-Peno	DOT veh alg pulled into path of vehicle, rear-ended	\$2,465.68	\$3,613.90
T050118	Kim Kammerer	DOT EE vehicle oversprayed with white paint from shop	\$1,155.60	\$2,190.73
T050119	Christie Sue Flickinger	Alg yellow paint on van from curb & median painting	\$494.90	\$494.90
T050120	Randall James Lundgren	Rock thrown from mower hit & shattered van window	Not Specified	\$937.24
T050125	Heather Rose Nichols	State vehicle backed into claimant vehicle	\$1,441.79	\$1,441.79
T050126	Chester L McKim III	State vehicle struck claimant vehicle while turning	\$500.00	\$359.37
T050128	Turkle-Clark Environmental Consulting, Inc.	Alg got paint on veh while driving	\$260.76	\$260.76
T050130	Nancy E. Autumn	State and claimant backed into each other	\$1,040.91	\$362.05
T050140	Charles Andrew Host	Road sealant alg dmg vehicle	\$169.55	\$169.55
T050148	Stacey Colclasure	State vehicle backed into claimant vehicle	\$900.00	\$886.44

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050151	Archie Leroy Cox	Road sealant alg dmg vehicle	\$164.30	\$164.30
T050159	Donald Joseph Splinter	DOT mower alg threw rock, dmg veh door & mirror	\$1,173.22	\$1,173.22
T050161	Brandon L. Statler	State stopped in traveled portion of highway, opened door, which was then struck by claimant's vehicle traveling in adjacent lane	\$916.57	\$916.57
T050163	PHH Arval	State rear-ended claimant vehicle	\$1,194.91	\$1,194.91
T050164	Linda Fitzgerald	DOT veh alg dropped asphalt, dmg vehicle	\$2,239.79	\$2,212.47
T050168	USAA (Rep Norma E German)	State garbage truck dumped refuse on vehicle	\$3,917.85	\$3,917.85
T050171	Sarah Jean Shebaro	State backed into parked claimant vehicle	\$1,769.14	\$827.22
T050179	Atlantic Bottling Company	State struck parked claimant vehicle	\$1,392.18	\$1,392.18
T050181	Randall Lee Haag	Rock alg thrown by DOT weedeater dmg side window	\$218.90	\$218.90
T050188	American Family Insurance Group as subrogee for Milos & Radmila Forcan	DOT veh wing alg clipped and dmg vehicle	\$2,230.00	\$2,230.00
T050192	Michael Kevin Spratt	State backed into claimant vehicle	\$4,419.45	\$4,419.45
T050202	Robert J. Soat	DOT mower alg threw rock, dmg veh window	\$362.73	\$362.73

<u>CLAIM</u>	<u>FULL NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>PAID</u>
T050205	Janet K. Miller	DOT veh alg threw rock, dmg vehicle	\$606.12	\$606.12
T050208	Curtis Nickie Johnson	State struck parked claimant vehicle	\$1,842.54	\$1,842.54
T050210	David F. Frazier	State backed into parked claimant vehicle	\$1,835.40	\$1,835.40
T050213	Kevin S. Smith	DOT weed eater alg threw rock, dmg veh window	\$237.51	\$237.51
T050214	Mary Anne Guisinger	State struck parked claimant vehicle	\$892.41	\$892.41
T050216	Steven R. Gardner	Shovel alg fell of DOT truck, dmg door	\$623.49	\$623.49
T050221	James Robert Pfadenhauer	DOT mower alg threw rock dmg windshield	\$213.30	\$213.30
T050223	Amanda J. Schremser	State backed into parked claimant vehicle	\$1,340.02	\$1,167.85
T050226	Charlotte Elaine Decker	DOT mower alg threw rock dmg windshield	\$200.00	\$190.00
T050237	Gregory Boyd Heck	DOT veh backed into parked DOT EE's vehicle	\$1,556.83	\$1,556.83
T050246	Jessi Lyn Collison	DOT mower alg threw rock, dmg windshield	\$670.26	\$670.26

APPOINTMENTS

The following individuals are appointed to the Legislative Council and Committees of the Council:

2005-2006 LEGISLATIVE COUNCIL
(Chapter 2.41, Code of Iowa)

Representative Christopher Rants, Vice Chair
 Representative Danny Carroll
 Representative Chuck Gipp
 Representative Pat Murphy
 Representative Bill Dix
 Representative Mark Kuhn
 Representative Sandra H. Greiner

Representative Elizabeth "Libby" S. Jacobs
Representative Willard Jenkins
Representative Dolores Mertz
Representative Janet Petersen
Representative Phil Wise

ADMINISTRATION COMMITTEE

Representative Danny Carroll, Vice Chair
Representative Elizabeth "Libby" S. Jacobs
Representative Janet Petersen

CAPITAL PROJECTS

Representative Elizabeth "Libby" S. Jacobs, Vice Chair
Representative Bill Dix
Representative Chuck Gipp
Representative Patrick J. Murphy
Representative Janet Petersen

FISCAL COMMITTEE

Representative Bill Dix, Co Chair
Representative Sandra H. Greiner
Representative Mark Kuhn
Representative Paul Shomshor
Representative Jamie Van Fossen

INTERNATIONAL RELATIONS

Representative Willard Jenkins, Chair
Representative Paul Bell
Representative Swati Dandekar
Representative Elizabeth "Libby" S. Jacobs
Representative Helen Miller
Representative J. Scott Raecker
Representative Chuck Soderberg

SERVICE

Representative Christopher Rants, Chair
Representative Danny Carroll
Representative Dolores Mertz

STUDIES

Representative Sandra Greiner, Chair
Representative Chuck Gipp
Representative Pat Murphy
Representative Christopher Rants
Representative Phil Wise

SUBCOMMITTEE ASSIGNMENTS

House File 170

Environmental Protection: Anderson, Chair; Kurtenbach and Shoultz.

House File 202

Agriculture: Greiner, Chair; Struyk and Thomas.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 127

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House Study Bill 128

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

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 TRANSPORTATION

Committee Bill (Formerly House Study Bill 125), relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 2005.

Pursuant to Rule 31.7, House File 216 was referred to the committee on ways and means.

On motion by Tymeson of Madison the House adjourned at 9:32 a.m., until 1:00 p.m., Monday, February 7, 2005.

JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day - Nineteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 7, 2005

The House met pursuant to adjournment at 1:06 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Paul Thompson, pastor of the First and Vernon Lutheran Church, Dows. He was the guest of Representative Eichhorn from Hamilton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, February 4, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Granzow of Hardin on request of Gipp of Winneshiek; Raecker of Polk and Struyk of Pottawattamie, until their arrival, on request of Gipp of Winneshiek.

INTRODUCTION OF BILLS

House File 217, by Heaton, a bill for an act relating to services and providers included under the volunteer health care provider program.

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

House File 218, by Wise, a bill for an act relating to the reimbursement amount paid by distributors to dealers or persons operating redemption centers who redeem empty beverage containers.

Read first time and referred to committee on **environmental protection**.

House File 219, by Mascher, a bill for an act providing individual and corporate income tax credits to businesses that provide apprenticeships and internships for students at community colleges or state board of regents institutions and for subsequent employment, and including effective and retroactive applicability date provisions.

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

House File 220, by Mascher, a bill for an act providing for the definition of the term "possession" for purposes of the criminal law.

Read first time and referred to committee on **public safety**.

House File 221, by Mascher, a bill for an act providing for a feasibility study on creating a statewide public employee health insurance system.

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

PRESENTATION OF VISITORS

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

Fourteen FCCLA student members, Gilbert, Iowa, accompanied by Karlene Wonderlich, By Heddens of Story.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

Report on activities of the community college job retention program, pursuant to Chapter 260F.9(1), Code of Iowa.

DEPARTMENT OF HUMAN RIGHTS Iowa Commission on the Status of Women

Annual report of accomplishments in women's rights, pursuant to Chapter 216A.60, Code of Iowa.

Report of long-range goals for Iowa's criminal and juvenile justice system, pursuant to Chapter 216A.135, Code of Iowa.

DEPARTMENT OF JUSTICE
Iowa Judicial Branch

Report concerning the Enhanced Court Collections Fund and the Court Technology Fund, pursuant to Chapter 176(8), Code of Iowa.

DEPARTMENT OF PUBLIC HEALTH
State Advisory Committee

Report on Viral Hepatitis, pursuant to House Resolution 145, 2004 Session.

Report regarding Access to Obstetrical Care, pursuant to Chapter 135.11(18), Code of Iowa.

2004 Report from the Child Death Review Team, pursuant to Chapter 135.43, Code of Iowa.

Report of Substance Abuse Treatment Programs Success Rates, pursuant to Chapter 1176, 2004 Iowa Acts.

Report on Nursing, Medical, Dental and Pharmacy Boards sharing of administrative staff, pursuant to Chapter 1175, 2004 Iowa Acts.

IOWA HIGHER EDUCATION LOAN AUTHORITY

2004 Annual Report, pursuant to Chapter 261A.21, 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

- | | |
|----------|---|
| 2005\307 | Willis and Phyllis Hanson, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2005\308 | Georgianna Ohlendorf, Waterloo – For celebrating her 80 th birthday. |
| 2005\309 | Florence Ramsell, Waterloo – For celebrating her 85 th birthday. |
| 2005\310 | Jeanne Uecker, Waterloo – For celebrating her 80 th birthday. |
| 2005\311 | Cliff and Dorothy Dunnwald, Waterloo – For celebrating their 60 th wedding anniversary. |

- 2005\312 Mary and Roger Sewell, Waterloo – For celebrating their 60th wedding anniversary.
- 2005\313 Zachary Campbell, Waterloo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\314 Dorothy Harling, Davenport – For celebrating her 95th birthday.
- 2005\315 Robert Puhl, LeMars – For celebrating his 85 birthday.
- 2005\316 Della Mae and John Kreykes, Hospers – For celebrating their 60th wedding anniversary.
- 2005\317 Virginia Callahan, Chariton – For celebrating her 80th birthday.
- 2005\318 Max Jones, Chariton – For celebrating his 80th birthday.
- 2005\319 Ted and June Van Den Berg, Sioux Center – For celebrating their 60th wedding anniversary.
- 2005\320 Jay and Jennie Bonnema, Inwood – For celebrating their 60th wedding anniversary.
- 2005\321 Marguerite Eblen, Greenfield – For celebrating her 80th birthday.
- 2005\322 Floyd and Rita Faust, Stuart – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

House File 199

Natural Resources: J.R. Van Fossen, Chair; R. Olson and Rasmussen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 129

Commerce, Regulation and Labor: Dix, Chair; Jacoby and Jenkins.

House Study Bill 130

Commerce, Regulation and Labor: Struyk, Chair; Freeman and Wise.

House Study Bill 131

Commerce, Regulation and Labor: Hoffman, Chair; T. Taylor and Wilderdyke.

House Study Bill 132

Commerce, Regulation and Labor: Sands, Chair; Quirk and Tomenga.

House Study Bill 133

Commerce, Regulation and Labor: Freeman, Chair; Horbach and T. Taylor.

House Study Bill 134

Commerce, Regulation and Labor: Struyk, Chair; Freeman and T. Taylor.

House Study Bill 135

State Government: Tomenga, Chair; Boal and Quirk.

House Study Bill 136

State Government: Raecker, Chair; Lensing and Roberts.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 138 Judiciary**

Relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

H.S.B. 139 Economic Growth

Relating to state individual income tax exemptions for residents of border cities, replacement local option sales and services and property tax, and including an effective date.

H.S.B. 140 Judiciary

Relating to the timing of a mental competency hearing for a person accused of a criminal offense.

H.S.B. 141 Judiciary

Relating to a criminal defendant seeking postconviction relief.

H.S.B. 142 State Government

Relating to the sale of certain real property by the department of administrative services.

H.S.B. 143 State Government

Providing for employer and employee contributions to the Iowa public employees' retirement system.

H.S.B. 144 State Government

Providing for the confidentiality of information concerning security procedures or emergency preparedness information developed and maintained by a government body.

H.S.B. 145 Public Safety

Relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

H.S.B. 146 Public Safety

Providing for release of confidential information relating to persons committed to the custody of the department of corrections, or placed with a judicial district department of correctional services.

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 JUDICIARY

Committee Bill (Formerly House Study 72), relating to the payment of restitution by a person convicted of a criminal offense.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2005.

Committee Bill (Formerly House Study Bill 118), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 2005.

COMMITTEE ON WAYS AND MEANS

House File 123, a bill for an act relating to the criminal penalty surcharge and creating a criminalistics laboratory fund.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 2005.

RESOLUTIONS FILED

HR 9; by Tymeson and Heddens, a resolution to recognize the Ames, Iowa, chapter of Beta Sigma Phi Sorority and Iowa artist David Rottinghaus for their work honoring Iowa's heroes in the war on terrorism.

Laid over under **Rule 25**.

SCR 3, by the committee on administration and rules, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

Referred to the committee on **administration and rules**.

On motion by Gipp of Winneshiek the House adjourned at 1:13 p.m., until 8:45 a.m., Tuesday, February 8, 2005.

JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twentieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 8, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Gary Kingkle, pastor of the Evangelical First Lutheran Church in Centerville and the Matthew Simpson Professor of Religion at Simpson College. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 7, 2005 was approved.

INTRODUCTION OF BILLS

House File 222, by committee on local government, a bill for an act relating to the nonpartisan election of township officers.

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

House File 223, by Baudler and Hoffman, a bill for an act requiring a "school license" motor vehicle sticker to be displayed by an operator with a special minor's license and providing penalties.

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

House File 224, by Jochum, a bill for an act establishing an Iowa clean elections Act, providing for funding of the Act, and providing penalties and an effective date.

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

House File 225, by Hunter, a bill for an act providing for reduced automobile insurance premiums for older adults who complete a certified driver safety education course.

Read first time and referred to committee on **commerce, regulation and labor**.

SPONSOR ADDED
(House Files 22 and 119)

Ford of Polk requested to be added as a sponsor of House Files 22 and 119.

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

- | | |
|----------|---|
| 2005\323 | Viola Arp, Bettendorf – For celebrating her 90 th birthday. |
| 2005\324 | Yeoman and Erma Cowlshaw, Fairbank – For celebrating their 65 th wedding anniversary. |
| 2005\325 | Lorraine and DeWayne Barton, Libertyville – For celebrating their 65 th wedding anniversary. |
| 2005\326 | Larry and Caroline Pencil, Birmingham – For celebrating their 50 th wedding anniversary. |
| 2005\327 | Irene Hoaglin, Hillsboro – For celebrating her 90 th birthday. |
| 2005\328 | DeWayne Barton, Libertyville – For celebrating his 86 th birthday. |
| 2005\329 | Lorraine Barton, Libertyville – For celebrating her 84 th birthday. |
| 2005\330 | John and Shirley Frank, Mason City -- For celebrating their 60 th wedding anniversary. |
| 2005\331 | Veronica Murphy, Clinton – For celebrating her 95 th birthday. |
| 2005\332 | Laverne and Sylvia Houzenga, Clinton – For celebrating their 50 th wedding anniversary. |
| 2005\333 | Robert Kuhrt, Tripoli – For celebrating his 80 th birthday. |

- 2005\334 Dick and Joann Daters, Melbourne – For celebrating their 50th wedding anniversary.
- 2005\335 Dale and Edith Eldridge, Iowa Falls – For celebrating their 60th wedding anniversary.
- 2005\336 Lillian Locke, Iowa Falls – For celebrating her 90th birthday.
- 2005\337 Fred H. and Melba Horstmann, Bennett – For celebrating their 60th wedding anniversary.
- 2005\338 Robert and Margaret Hora, West Branch – For celebrating their 60th wedding anniversary.
- 2005\339 Leona Conrad, Lowden – For celebrating her 90th birthday.
- 2005\340 Bernice Ingram, Ames – For celebrating her 80th birthday.
- 2005\341 Helen Smalling, Ames – For celebrating her 90th birthday.
- 2005\342 Morris and Ada Johnson, Sigourney – For celebrating their 71st wedding anniversary.
- 2005\343 Melvin and Dora Froendt, Milford – For celebrating their 50th wedding anniversary.
- 2005\344 Arnold and Veree Lane, Milford – For celebrating their 50th wedding anniversary.
- 2005\345 Maxine Lieb, Spirit Lake – For celebrating her 90th birthday.
- 2005\346 Amanda Frahm, Lake Park – For celebrating her 90th birthday.
- 2005\347 Francis J. Beecher, West Branch – For celebrating his 100th birthday.
- 2005\348 Alice Kelley, Iowa City – For celebrating her 90th birthday.
- 2005\349 Henry and Thelma Reynolds, Iowa City – For celebrating their 60th wedding anniversary.
- 2005\350 Lura Stagg, Iowa City – For celebrating her 105th birthday.
- 2005\351 Inez Luchsinger, Elgin – For celebrating her 80th birthday.
- 2005\352 Dan and Anna Butikofer, Elgin – For celebrating their 50th wedding anniversary.
- 2005\353 Donald and Betty Jean Tuecke, McGregor – For celebrating their 50th wedding anniversary.

2005\354 Fred and Rosemary Kann, Guttenberg – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 183

State Government: Paulsen, Chair; Roberts and Whitead.

House File 193

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 196

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

House File 205

Local Government: Watts, Chair; Pettengill and Schickel.

House File 206

Natural Resources: Baudler, Chair; Rayhons and Reichert.

House File 220

Public Safety: Baudler, Chair; Berry and Chambers.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 137

Economic Growth: Hoffman, Chair; D. Olson, Chair; Dandekar, Jenkins, Reichert, Schickel, Soderberg, Struyk, Thomas and Wise.

House Study Bill 138

Judiciary: J.R. Van Fossen, Chair; Boal and Jochum.

House Study Bill 139

Economic Growth: Soderberg, Chair; Anderson, Miller, S. Olson and Wise.

House Study Bill 140

Judiciary: Heaton, Chair; Boal and Lensing.

House Study Bill 141

Judiciary: Tymeson, Chair; Hutter and Swaim.

House Study Bill 142

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 143

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

House Study Bill 144

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 145

Public Safety: Tjepkes, Chair; Baudler, Bell, Reasoner and J.R. Van Fossen.

House Study Bill 146

Public Safety: Alons, Chair; Eichhorn and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 147 Natural Resources**

Relating to the regulation of whitetail deer on hunting preserves.

H.S.B. 148 Natural Resources

Relating to certain nonresident hunting licenses, modifying fees, and making penalties applicable.

H.S.B. 149 Natural Resources

Relating to the registration of persons engaged in the business of a hunting outfitter or hunting guide and providing a penalty.

H.S.B. 150 Local Government

Relating to the duties of county recorders and county auditors concerning instruments affecting real estate.

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 EDUCATION

Committee Bill (Formerly House File 82), requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2005.

Senate File 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 2005.

Pursuant to Rule 31.7, Senate File 75 was referred to the committee on appropriations.

COMMITTEE ON STATE GOVERNMENT

House File 141, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2005.

Committee Bill (Formerly House Study Bill 33), providing for negotiated rulemaking.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2005.

Committee Bill (Formerly House Study Bill 34), relating to the request for a regulatory analysis.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2005.

Committee Bill (Formerly House Study Bill 66), relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2005.

RESOLUTION FILED

HR 10, by Mascher, a resolution relating to Medicare reimbursement.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:57 a.m., until 8:45 a.m., Wednesday, February 9, 2005.

JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 9, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Keith Smith, pastor of Motor Friends Church, and Chaplin of the Milo Volunteer Firemen. He was the guest of Representative Jodi Tymeson from Madison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 8, 2005 was approved.

INTRODUCTION OF BILLS

House File 226, by Drake and Mertz, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing effective dates.

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

House File 227, by committee on judiciary, 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.

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

House File 228, by committee on judiciary, a bill for an act relating to the payment of restitution by a person convicted of a criminal offense.

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

House File 229, by Ford, a bill for an act relating to the development and administration by the department of education of a program to identify and honor schools for increasing the number of students enrolled in advanced-level courses and reducing achievement gaps.

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

House File 230, by Raecker, a bill for an act exempting from state income tax active duty pay received by members of the armed forces and providing a retroactive applicability date provision.

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

House File 231, by Mascher, a bill for an act relating to an individual income tax for emergency medical care providers and volunteer fire fighters and including effective and retroactive applicability date provisions.

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

House File 232, by Granzow, a bill for an act allowing counties to share the services of certain elective county officers.

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

House File 233, by Mascher, a bill for an act relating to beverage container control laws and making appropriations.

Read first time and referred to committee on **environmental protection**.

House File 234, by Paulsen, a bill for an act relating to retention of city and county assessors at election and including an effective date and transition provision.

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

House File 235, by Ford, a bill for an act relating to the appointment of a consumer advocate on insurance.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 236, by Lukan, De Boef, Arnold, Thomas, J.K. Van Fossen, Granzow, Hutter, Jones, Rasmussen, Huseman, Alons, Baudler, Heaton, Roberts, Van Engelenhoven, Horbach, Rayhons, Wilderdyke, Drake, Schueller, Eichhorn, Sands, Lalk, Anderson, S. Olson, Greiner, Hoffman and J.R. Van Fossen, a bill for an act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and providing effective and retroactive applicability dates.

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

House File 237, by Mascher, a bill for an act increasing the taxes imposed on cigarettes and providing for appropriation of the revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date.

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

House File 238, by Raecker, Drake and May, a bill for an act relating to tourism marketing by the department of economic development and making appropriations.

Read first time and referred to committee on **economic growth**.

House File 239, by Wise, a bill for an act requiring the school budget review committee to grant transportation assistance aid to school districts under certain circumstances and making a standing appropriation.

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

House File 240, by Ford, a bill for an act relating to the establishment of law enforcement review boards in certain cities.

Read first time and referred to committee on **public safety**.

House File 241, by Mascher, a bill for an act relating to criminal sentencing by eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

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

House File 242, by Raecker, a bill for an act relating to governmental employment by executive branch officials, state employees, and members of the general assembly.

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

House File 243, by Ford, a bill for an act relating to a violation or attempted violation of a court order, a court-approved consent agreement, or a protective order under the Iowa domestic abuse Act.

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

House File 244, by Alons, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

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

House File 245, by Murphy and Shoultz, a bill for an act providing for the establishment of a cancer drug repository program.

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

House File 246, by Whitaker, a bill for an act relating to soil and water conservation districts by providing for the establishment and management of payroll systems.

Read first time and referred to committee on **environmental protection**.

On motion by Gipp of Winneshiek, the House was recessed at 9:00 a.m., until 2:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:02 p.m., Speaker Rants in the chair.

SPECIAL PRESENTATION

Gipp of Winneshiek introduced to the House the members of the 372nd Engineer Group of the Iowa National Guard who have returned from Iraq, including Senator Chuck Larsen. The House thanked the group for their service. Senator Larson addressed the House briefly thanking the House and the Senate for their contributions for the school supplies in Iraq. He introduced Colonel Gary R. Braddock whom briefed the House on their mission.

The House rose and expressed their welcome home and appreciation for their service.

On motion by Gipp of Winneshiek, the House was recessed at 2:12 p.m., until 3:30 p.m.

LATE AFTERNOON SESSION

The House reconvened at 3:54 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 247, by committee on state government, a bill for an act providing for negotiated rulemaking.

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

House File 248, by committee on state government, a bill for an act relating to the request for a regulatory analysis.

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

House File 249, by Frevert, Heddens, Whitaker, Bukta, Murphy, Miller, Hogg, Wendt, Kuhn, Hunter, Davitt, Smith, Foege, Huser, Jacoby, Oldson, Reasoner, Zirkelbach, Gaskill, Jochum, Schueller, Reichert, Mertz, Kressig, Shoultz and Wessel-Kroeschell, a bill for an act providing an appropriation for the family development and self-sufficiency program.

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

House File 250, by Van Engelenhoven, a bill for an act relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

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

House File 251, by Raecker, a bill for an act relating to the increase in the automobile rental excise tax and appropriating the increased tax revenues and including an applicability date provision.

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

House File 252, by committee on agriculture, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

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

House File 253, by committee on state government, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

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

House File 254, by committee on public safety, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near certain property, and providing for a penalty.

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

ADOPTION OF HOUSE RESOLUTION 6

Raecker of Polk called up the following **House Resolution 6**, a resolution relating to the rules governing lobbyists in the House of Representatives, and moved its adoption.

- 1 House Resolution 6
- 2 By Committee On Ethics
- 3 (Successor to HSB 5)
- 4 A resolution relating to the rules governing lobbyists
- 5 in the House of Representatives.
- 6 *Be It Resolved By The House Of Representatives,*

7 That the House Rules Governing Lobbyists shall be as
8 follows:

9 **HOUSE RULES GOVERNING LOBBYISTS**

10 1. **DEFINITIONS OF TERMS.** As used in these rules,

11 "client", "gift", "immediate family member",
12 "lobbyist", and "person" have the meanings provided in
13 section 68B.2 of the Code, except that the terms
14 "lobbyist" and "client" shall only refer to persons
15 who are lobbyists or clients of lobbyists of the house
16 of representatives. Except as otherwise provided,
17 "employee of the house" means a full-time permanent
18 paid employee of the house of representatives.

19 2. **REGISTRATION REQUIRED.**

20 a. All lobbyists shall, on or before the day their
21 lobbying activity begins, register in the manner
22 provided under section 68B.36 of the Code. Lobbyist
23 registration forms shall be available in the office of
24 the chief clerk of the house.

25 b. In addition each registered lobbyist shall file
26 with the chief clerk of the house a statement of the
27 general subjects of legislation in which the lobbyist
28 is or may be interested, the file number of the bills
29 and resolutions and the bill number of study bills, if
30 known, which will be lobbied, whether the lobbyist

Page 2

1 intends to lobby for or against each bill, resolution,
2 or study bill, if known, and on whose behalf the
3 lobbyist is lobbying the bill, resolution, or study
4 bill.

5 Any change in or addition to the information
6 required by this rule shall be registered with the
7 chief clerk of the house within ten days from the time
8 the change or addition is known to the lobbyist.

9 3. **CANCELLATION OF REGISTRATION.** If a lobbyist's
10 service on behalf of a particular employer, client, or
11 cause is concluded after the lobbyist registers but
12 before the first day of the next legislative session,
13 the lobbyist shall cancel the registration in the
14 manner required under section 68B.36 of the Code.
15 Upon cancellation of registration, a person is
16 prohibited from engaging in any lobbying activity on
17 behalf of that particular employer, client, or cause
18 until reregistering and complying with the
19 requirements of section 68B.36 of the Code.

20 3A. **AMENDMENT OF REGISTRATION.** If a registered
21 lobbyist represents more than one employer, client, or
22 cause and the lobbyist's services are concluded on
23 behalf of a particular employer, client, or cause
24 after the lobbyist registers but before the first day
25 of the next legislative session, the lobbyist shall

26 file an amendment to the lobbyist's registration
27 indicating which employer, client, or cause is no
28 longer represented by the lobbyist and the date upon
29 which the representation concluded.
30 If a lobbyist is retained by one or more additional

Page 3

1 employers, clients, or causes after the lobbyist
2 registers but before the first day of the next
3 legislative session, the lobbyist shall file an
4 amendment to the lobbyist's registration indicating
5 the employer, client, or cause to be added and the
6 date upon which the representation begins.
7 Amendments to a lobbyist's registration regarding
8 changes which occur during the time that the general
9 assembly is in session shall be filed within one
10 working day after the date upon which the change in
11 the lobbyist's representation becomes effective.
12 Amendments regarding changes which occur when the
13 general assembly is not in session shall be filed
14 within ten days after the date upon which the change
15 in the lobbyist's representation becomes effective.
16 4. PUBLIC ACCESS. All information filed by a
17 lobbyist or a client of a lobbyist under chapter 68B
18 of the Code is a public record and open to public
19 inspection at any reasonable time.
20 5. CHARGE ACCOUNTS. Lobbyists and the clients
21 they represent shall not allow members of the house to
22 charge any amounts or items to a charge account to be
23 paid for by those lobbyists or by the clients they
24 represent.
25 6. ACCESS TO HOUSE FLOOR. Lobbyists shall only be
26 permitted on the floor of the house pursuant to rule
27 20 of the rules of the house.
28 7. FEE OR BONUS PROHIBITED. A fee or bonus shall
29 not be paid to any lobbyist with reference to any
30 legislative action that is conditioned wholly or in

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1 part upon the results attained by the lobbyist.
2 8. OFFERS OF ECONOMIC OR INVESTMENT OPPORTUNITY.
3 A lobbyist, employer, or client of a lobbyist shall
4 not offer economic or investment opportunity or
5 promise of employment to any member of the house with
6 intent to influence conduct in the performance of
7 official duties.
8 9. PERSONAL OR FINANCIAL OBLIGATION. A lobbyist
9 shall not do anything with the purpose of placing a
10 member of the house under personal or financial
11 obligation to a lobbyist or a lobbyist's principal or

12 agent.

13 10. ATTEMPTS TO CREATE ADDITIONAL EMPLOYMENT. A

14 lobbyist shall not cause or influence the introduction

15 of any bill or amendment for the purpose of being

16 employed to secure its passage or defeat.

17 11. CAMPAIGN SUPPORT. A lobbyist shall not

18 influence or attempt to influence a member's actions

19 by the promise of financial support for the member's

20 candidacy or threat of financial support for an

21 opposition candidate. A lobbyist shall not make a

22 campaign contribution to a member or to a member's

23 candidate's committee during the time that the general

24 assembly is in session.

25 12. COMMUNICATION WITH MEMBER'S EMPLOYER

26 PROHIBITED. A lobbyist shall not communicate with a

27 member's employer for the purpose of influencing a

28 vote of the member.

29 13. EXCESS PAYMENTS. A lobbyist shall not pay or

30 agree to pay to a member a price, fee, compensation,

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1 or other consideration for the sale or lease of any

2 property or the furnishing of services which is

3 substantially in excess of that which other persons in

4 the same business or profession would charge in the

5 ordinary course of business.

6 14. PROHIBITION AGAINST GIFTS. A lobbyist or

7 client of a lobbyist shall not, directly or

8 indirectly, offer or make a gift or series of gifts to

9 any member or full-time permanent employee of the

10 house or the immediate family members of a member or

11 full-time permanent employee of the house except as

12 otherwise provided in section 68B.22 of the Code. A

13 lobbyist or client of a lobbyist who intends or plans

14 to give a nonmonetary item, other than food or drink

15 consumed in the presence of the donor, which does not

16 have a readily ascertainable value, to a member or

17 full-time permanent employee of the house, prior to

18 giving or sending the item to the member or employee,

19 shall seek approval of the item from the chief clerk

20 of the house. A lobbyist or client of a lobbyist who

21 seeks approval of an item from the chief clerk shall

22 submit the item and evidence of the value of the item

23 at the time that approval is requested.

24 A lobbyist shall inform each of the lobbyist's

25 clients of the requirements of section 68B.22 of the

26 Code and of the responsibility to seek approval prior

27 to giving or sending a nonmonetary item which does not

28 have a readily ascertainable value to a member or a

29 full-time permanent employee of the house.

30 15. FINANCIAL TRANSACTIONS. A lobbyist shall not,

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1 directly or indirectly, make a loan to a member of the
 2 house or to an employee of the house.
 3 A loan prohibited under this section does not
 4 include a loan made in the ordinary course of business
 5 of a lobbyist if the primary business of the lobbyist
 6 is something other than lobbying, if consideration of
 7 equal or greater value is received by the lobbyist,
 8 and if fair market value is given or received for the
 9 benefit conferred.

10 16. HONORARIA – RESTRICTIONS. A lobbyist or
 11 client of a lobbyist shall not pay an honorarium to a
 12 member or employee of the house for a speaking
 13 engagement or other formal public appearance in the
 14 official capacity of the member or employee except as
 15 otherwise provided in section 68B.23 of the Code.

16 17. COMPLAINTS. The procedures for complaints and
 17 enforcement of these rules shall be the same as those
 18 provided in the house code of ethics.

19 18. PROCEDURES AND FORMS. The chief clerk of the
 20 house, subject to the approval of the house ethics
 21 committee, shall prescribe procedures for compliance
 22 with these rules, and shall prepare forms for the
 23 filing of complaints and make them available to any
 24 person.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE RESOLUTION 7

Raecker of Polk called up the following **House Resolution 7**, a resolution relating to the House code of ethics, and moved its adoption.

1. House Resolution 7
 2 By Committee On Ethics
 3 (Successor to HSB 4)
 4 A Resolution relating to the House code of ethics.
 5 *Be It Resolved By The House Of Representatives.*
 6 That the House Code of Ethics shall be as follows:
 7 HOUSE CODE OF ETHICS
 8 PREAMBLE. Every legislator and legislative
 9 employee has a duty to uphold the integrity and honor
 10 of the general assembly, to encourage respect for the
 11 law and for the general assembly, and to observe the
 12 house code of ethics. The members and employees of
 13 the house have a responsibility to conduct themselves
 14 so as to reflect credit on the general assembly, and
 15 to inspire the confidence, respect, and trust of the

16 public. The following rules are adopted pursuant to
17 chapter 68B of the Code, to assist the members and
18 employees in the conduct of their activities:

19 1. DEFINITIONS. The definitions of terms provided
20 in chapter 68B of the Code apply to the use of those
21 terms in these rules.

22 2. ECONOMIC INTEREST OF MEMBER OR EMPLOYEE OF
23 HOUSE.

24 a. Economic or investment opportunity. A member
25 or employee of the house shall not solicit or accept
26 economic or investment opportunity under circumstances
27 where the member or employee knows, or should know,
28 that the opportunity is being afforded with the intent
29 to influence the member's or employee's conduct in the
30 performance of official duties. If a member or

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1 employee of the house learns that an economic or
2 investment opportunity previously accepted was offered
3 with the intent of influencing the member's or
4 employee's conduct in the performance of the official
5 duties, the member or employee shall take steps to
6 divest that member or employee of that investment or
7 economic opportunity, and shall report the matter in
8 writing to the chairperson of the house ethics
9 committee.

10 b. Excessive charges for services, goods, or
11 property interests. A member or employee of the house
12 shall not charge to or accept from a person known to
13 have a legislative interest, a price, fee,
14 compensation, or other consideration for the sale or
15 lease of any property or the furnishing of services
16 which is in excess of that which the member or
17 employee would ordinarily charge another person.

18 c. Use of confidential information. A member or
19 employee of the house, in order to further the
20 member's or employee's own economic interests, or
21 those of any other person, shall not disclose or use
22 confidential information acquired in the course of the
23 member's or employee's official duties. For the
24 purpose of this rule, information disclosed in open
25 session at a public meeting under chapter 21 of the
26 Code and information that is a public record under
27 chapter 22 of the Code is not confidential
28 information.

29 d. Employment. A member or employee of the house
30 shall not accept employment, either directly or

Page 3

1 indirectly, from a political action committee. A

2 member of the house shall not act as a paid lobbyist
3 for any organization. However, this paragraph shall
4 not prohibit a member or employee of the house from
5 working for a candidate's committee, a political
6 party's action committee, or a political action
7 committee which does not expressly advocate the
8 nomination, election, or defeat of a candidate for
9 public office in this state or expressly advocate the
10 passage or defeat of a ballot issue in this state and
11 which is not interested in issues before the general
12 assembly.

13 For the purpose of this rule, a political action
14 committee means a committee, but not a candidate's
15 committee, which accepts contributions, makes
16 expenditures, or incurs indebtedness in the aggregate
17 of more than seven hundred fifty dollars in any one
18 calendar year to expressly advocate the nomination,
19 election, or defeat of a candidate for public office
20 or to expressly advocate the passage or defeat of a
21 ballot issue or for the purpose of influencing
22 legislative action.

23 e. A member or employee of the house shall not
24 solicit employment on behalf of the member or
25 employee, or on behalf of another legislator or
26 employee, as a lobbyist while the general assembly is
27 in session.

28 f. Certain goods or services. A member or
29 employee of the house shall not solicit or obtain
30 goods or services from another person under

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1 circumstances where the member or employee knows or
2 should know that the goods or services are being
3 offered or sold with the intent to influence the
4 member's or employee's conduct in the performance of
5 official duties. If a member or employee of the house
6 is afforded goods or services by another person at a
7 price that is not available to other members or
8 classes of members of the general public or is
9 afforded goods or services that are not available to
10 other members or classes of members of the general
11 public by another person where the member or employee
12 knows or should know that the other person intends to
13 influence the member's or employee's official conduct,
14 the member or employee shall not take or purchase the
15 goods or services.

16 3. APPEARANCE BEFORE STATE AGENCY. A member or
17 employee of the house may appear before a state agency
18 in any representation case but shall not act as a
19 lobbyist with respect to the passage, defeat,
20 approval, veto, or modification of any legislation,

21 rule, or executive order. Whenever a member or
22 employee of the house appears before a state agency,
23 the member or employee shall carefully avoid all
24 conduct which might in any way lead members of the
25 general public to conclude that the member or employee
26 is using the member's or employee's official position
27 to further the member's or employee's professional
28 success or personal financial interest.

29 4. CONFLICTS OF INTEREST. In order for the
30 general assembly to function effectively, members of

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1 the house may be required to vote on bills and
2 participate in committee work which will affect their
3 employment and other areas in which they may have a
4 monetary interest. Action on bills and committee work
5 which furthers a member's specific employment,
6 specific investment, or other specific interest, as
7 opposed to the interests of the public in general or
8 the interests of a profession, trade, business, or
9 other class of persons, shall be avoided. In making a
10 decision relative to a member's activity on particular
11 bills or in committee work, the following factors
12 should be considered:

13 a. Whether a substantial threat to the member's
14 independence of judgment has been created by the
15 conflict situation.

16 b. The effect of the member's participation on
17 public confidence in the integrity of the general
18 assembly.

19 c. Whether the member's participation is likely to
20 have any significant effect on the disposition of the
21 matter.

22 d. The need for the member's particular
23 contribution, such as special knowledge of the subject
24 matter, to the effective functioning of the general
25 assembly.

26 If a member decides not to participate in committee
27 work or to abstain from voting because of a possible
28 conflict of interest, the member should disclose this
29 fact to the legislative body. The member shall not
30 vote on any question in which the member has an

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1 economic interest that is distinguishable from the
2 interests of the general public or a substantial class
3 of persons.

4 5. STATUTORY REQUIREMENTS. Members and employees
5 of the house shall comply with the requirements
6 contained in chapters 68B (Conflicts of Interest of

7 Public Officers and Employees), 721 (Official
8 Misconduct), and 722 (Bribery and Corruption), and
9 sections 2.18 (Contempt) and 711.4 (Extortion) of the
10 Code.
11 6. CHARGE ACCOUNTS. Members and employees of the
12 house shall not charge any amount or item to a charge
13 account to be paid for by a lobbyist or any client of
14 a lobbyist.
15 7. TRAVEL EXPENSES. A member or employee of the
16 house shall not charge to the state of Iowa amounts
17 for travel and expenses unless the member or employee
18 actually has incurred those mileage and expense costs.
19 Members or employees shall not file the vouchers for
20 weekly mileage reimbursement required by section 2.10,
21 subsection 1 of the Code, unless the travel expense
22 was actually incurred.
23 A member or employee of the house shall not file a
24 claim for per diem compensation for a meeting of an
25 interim study committee or a visitation committee
26 unless the member or employee attended the meeting.
27 However, the speaker may waive this provision and
28 allow a claim to be filed if the member or employee
29 attempted to attend the meeting but was unable to do
30 so because of circumstances beyond the member's or

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1 employee's control.
2 8. GIFTS ACCEPTED OR RECEIVED. Members and
3 employees of the house shall comply with the
4 restrictions relating to the receipt or acceptance of
5 gifts contained in section 68B.22 of the Code.
6 9. HONORARIA RESTRICTIONS. Members and employees
7 of the house shall comply with the restrictions
8 relating to the receipt of honoraria contained in
9 section 68B.23 of the Code.
10 10. DISCLOSURE REQUIRED. Each member of the house
11 and the chief clerk of the house shall file the
12 personal financial disclosure statements required
13 under section 68B.35 of the Code by February 15 of
14 each year for the prior calendar year.
15 11. SEXUAL HARASSMENT. Members and employees of
16 the house shall not engage in conduct which
17 constitutes sexual harassment as defined in section
18 19B.12 of the Code or pursuant to the sexual
19 harassment policy adopted by the house committee on
20 administration and rules.
21 12. COMPLAINTS.
22 a. Filing of complaint. Complaints may be filed
23 by any person believing that a member or employee of
24 the house, a lobbyist, or a client of a lobbyist is
25 guilty of a violation of the house code of ethics, the

26 house rules governing lobbyists, or chapter 68B of the
27 Code.

28 b. Complaints by committee. The ethics committee
29 may initiate a complaint on its own motion. Committee
30 complaints may be initiated by the committee as a

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1 result of a committee investigation or as a result of
2 receipt of any complaint or other information that
3 does not meet the requirements of these rules
4 regarding the form of a complaint but that contains
5 allegations that would form the basis for a valid
6 complaint.

7 c. Form and contents of complaint. A complaint
8 shall be in writing.

9 Complaint forms shall be available from the chief
10 clerk of the house, but a complaint shall not be
11 rejected for failure to use the approved form if it
12 complies with the requirements of these rules. The
13 complaint shall contain a certification made by the
14 complainant, under penalty of perjury, that the facts
15 stated in the complaint are true to the best of the
16 complainant's knowledge.

17 To be valid, a complaint shall allege all of the
18 following:

19 (1) Facts, including the approximate date and
20 location of any event, incident, or transaction that,
21 if true, establish a violation of a provision of
22 chapter 68B of the Code, the house code of ethics, or
23 house rules governing lobbyists for which penalties or
24 other remedies are provided.

25 (2) That the conduct providing the basis for the
26 complaint occurred within three years of the filing of
27 the complaint.

28 (3) That the party charged with a violation is a
29 member or employee of the house, a lobbyist, or a
30 client of a lobbyist.

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1 d. Confidentiality of complaint. The filing of
2 the complaint and the contents of the complaint shall
3 be confidential until the time that the committee
4 meets to determine whether the complaint is valid,
5 unless either the complainant or the party charged in
6 the complaint makes the existence of, or the
7 information contained in, the complaint public.
8 However, if either the complainant or party alleged to
9 have committed the violation requests that the meeting
10 to determine whether the complaint is valid be a
11 closed meeting and the filing of the complaint or the

12 contents of the complaint have not been disclosed, the
13 meeting shall be closed.

14 e. Notice of complaint. Upon receipt of the
15 complaint, the chief clerk of the house shall promptly
16 notify the chairperson and ranking member of the
17 ethics committee that a complaint has been filed and
18 provide both the chairperson and the ranking member
19 with copies of the complaint and any supporting
20 information. Within two working days, the chief clerk
21 shall send notice, either by personal delivery or by
22 certified mail, return receipt requested, to the
23 person or persons alleged to have committed the
24 violation, along with a copy of the complaint and any
25 supporting information. The notice to the accused
26 person shall contain a request that the person submit
27 a written response to the complaint within ten working
28 days of the date that the notice was sent by the chief
29 clerk. At the request of the accused person, the
30 committee may extend the time for the response, not to

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1 exceed ten additional calendar days.

2 f. Hearing regarding validity of complaint. The
3 committee chairperson and the ranking member shall
4 review the complaint and supporting information to
5 determine whether the complaint meets the requirements
6 as to form. If the complaint is deficient as to form,
7 the complaint shall be returned to the complainant
8 with instructions indicating the deficiency unless the
9 committee decides to proceed on its own motion. If
10 the complaint is in writing and contains the
11 appropriate certification, as soon as practicable, the
12 chairperson shall call a meeting of the committee to
13 review the complaint to determine whether the
14 complaint meets the requirements for validity and
15 whether the committee should request that the chief
16 justice of the supreme court appoint an independent
17 special counsel to conduct an investigation to
18 determine whether probable cause exists to believe
19 that a violation of the house code of ethics, house
20 rules governing lobbyists, or chapter 68B of the Code,
21 has occurred.

22 If the committee finds that a complaint does not
23 meet the content requirements for a valid complaint,
24 the committee shall dismiss the complaint and notify
25 both the complainant and the party alleged to have
26 committed the violation of the dismissal and the
27 reasons for dismissal. A dismissal for failure to
28 meet the formal requirements for the filing of a
29 complaint shall be without prejudice and the
30 complainant may refile the complaint at any time

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1 within three years of the date that the alleged
2 violation took place. If the dismissal is based upon
3 a failure to allege facts and circumstances necessary
4 for a valid complaint, the dismissal shall be with
5 prejudice and the party shall not be permitted to file
6 a complaint based upon the same facts and
7 circumstances.

8 g. Request for appointment of independent special
9 counsel. If, after review of the complaint and any
10 response made by the party alleged to have committed
11 the violation, the committee determines that the
12 complaint meets the requirements for form and content,
13 the committee shall request that the chief justice of
14 the supreme court appoint independent special counsel
15 to investigate the matter and determine whether
16 probable cause exists to believe that a violation of
17 chapter 68B of the Code, the house code of ethics, or
18 the house rules governing lobbyists has occurred.

19 h. Receipt of report of independent special
20 counsel. The report from independent special counsel
21 regarding probable cause to proceed on a complaint
22 shall be filed with the chief clerk of the house.
23 Upon receipt of the report of the independent special
24 counsel, the chief clerk shall notify the chairperson
25 of the filing of the report and shall send copies of
26 the report to the members of the ethics committee. As
27 soon as practicable after the filing of the report,
28 the chairperson shall schedule a public meeting for
29 review of the report. The purpose of the public
30 meeting shall be to determine whether the complaint

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1 should be dismissed, whether a formal hearing should
2 be held on the complaint, or whether other committee
3 action is appropriate. The complainant and the person
4 alleged to have committed the violation shall be given
5 notice of the public meeting, shall have the right to
6 be present at the public meeting, and may, at the
7 discretion of the committee, present testimony in
8 support of or against the recommendations contained in
9 the report.

10 If the committee determines that the matter should
11 be dismissed, the committee shall cause an order to be
12 entered dismissing the matter and notice of the
13 dismissal shall be given to the complainant and the
14 party alleged to have committed the violation. If the
15 committee determines that the complaint should be
16 scheduled for formal hearing, the committee shall
17 issue a charging statement which contains the charges

18 and supporting facts that are to be set for formal
19 hearing and notice shall be sent to the complainant
20 and the accused person.

21 The notice shall include a statement of the nature
22 of the charge or charges, a statement of the time and
23 place of hearing, a short and plain statement of the
24 facts asserted, and a statement of the rights of the
25 accused person at the hearing.

26 i. Formal hearing. Formal hearings shall be
27 public and conducted in the manner provided in section
28 68B.31, subsection 8 of the Code. At a formal hearing
29 the accused shall have the right to be present and to
30 be heard in person and by counsel, to cross-examine

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1 witnesses, and to present evidence. Members of the
2 committee shall also have the right to question
3 witnesses.

4 Evidence at the formal hearing shall be received in
5 accordance with rules and procedures applicable to
6 contested cases under chapter 17A of the Code.

7 The committee chairperson, or the vice chairperson
8 or ranking member in the absence of the chairperson,
9 shall preside at the formal hearing and shall rule on
10 the admissibility of any evidence received. The
11 ruling of the chairperson may be overturned by a
12 majority vote of the committee. Independent special
13 counsel shall present the evidence in support of the
14 charge or charges. The burden shall be on the
15 independent special counsel to prove the charge or
16 charges by a preponderance of clear and convincing
17 evidence. Upon completion of the formal hearing, the
18 committee shall adopt written findings of fact and
19 conclusions concerning the merits of the charges and
20 make its report and recommendation to the house.

21 j. Recommendations by the committee. The
22 committee shall recommend to the house that the
23 complaint be dismissed, or that one or more of the
24 following be imposed:

25 (1) That the member or employee of the house or
26 lobbyist or client of a lobbyist be censured or
27 reprimanded, and the recommended appropriate form of
28 censure or reprimand be used.

29 (2) That the member of the house be suspended or
30 expelled from membership in the house and required to

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1 forfeit the member's salary for that period, the
2 employee of the house be suspended or dismissed from
3 employment, or that the lobbyist's or lobbyist's

4 client's lobbying privileges be suspended.

5 13. COMMUNICATIONS WITH ETHICS COMMITTEE. After a
6 complaint has been filed or an investigation has been
7 initiated, a party to the complaint or investigation
8 shall not communicate, or cause another to
9 communicate, as to the merits of the complaint or
10 investigation with a member of the committee, except
11 under the following circumstances:

12 a. During the course of any meetings or other
13 official proceedings of the committee regarding the
14 complaint or investigation.

15 b. In writing, if a copy of the writing is
16 delivered to the adverse party or the designated
17 representative for the adverse party.

18 c. Orally, if adequate prior notice of the
19 communication is given to the adverse party or the
20 designated representative for the adverse party.

21 d. As otherwise authorized by statute, the house
22 code of ethics, house rules governing lobbyists, or
23 vote of the committee.

24 14. PERMANENT RECORD. The chief clerk of the
25 house shall maintain a permanent record of all
26 complaints filed and any corresponding committee
27 action. The permanent record shall be prepared by the
28 ethics committee and shall contain the date the
29 complaint was filed, name and address of the
30 complainant, name and address of the accused person, a

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1 brief statement of the charges made, any evidence
2 received by the committee, any transcripts or
3 recordings of committee action, and ultimate
4 disposition of the complaint. The chief clerk shall
5 keep each complaint confidential until public
6 disclosure is made by the ethics committee.

7 15. MEETING AUTHORIZATION. The house ethics
8 committee is authorized to meet at the discretion of
9 the committee chairperson in order to conduct hearings
10 and other business that properly may come before it.
11 If the committee submits a report seeking house action
12 against a member or employee of the house or lobbyist
13 after the second regular session of a general assembly
14 has adjourned sine die, the report shall be submitted
15 to and considered by the subsequent general assembly.

16 16. ADVISORY OPINIONS.

17 a. Requests for formal opinions. A request for a
18 formal advisory opinion may be filed by any person who
19 is subject to the authority of the ethics committee.
20 The ethics committee may also issue a formal advisory
21 opinion on its own motion, without having previously
22 received a formal request for an opinion, on any issue

23 that is within the jurisdiction of the committee.
 24 Requests shall be filed with either the chief clerk of
 25 the house or the chairperson of the ethics committee.
 26 b. Form and contents of requests. A request for a
 27 formal advisory opinion shall be in writing and may
 28 pertain to any subject matter that is related to
 29 application of the house code of ethics, the house
 30 rules governing lobbyists, or chapter 68B of the Code

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1 to any person who is subject to the authority of the
 2 ethics committee. Requests shall contain one or more
 3 specific questions and shall relate either to future
 4 conduct or be stated in the hypothetical. A request
 5 for an advisory opinion shall not specifically name
 6 any individual or contain any other specific
 7 identifying information, unless the request relates to
 8 the requester's own conduct. However, any request may
 9 contain information which identifies the kind of
 10 individual who may be affected by the subject matter
 11 of the request. Examples of this latter kind of
 12 identifying information may include references to
 13 conduct of a category of individuals, such as but not
 14 limited to conduct of legislators, legislative staff,
 15 or lobbyists.

16 c. Confidentiality of formal requests and
 17 opinions. Requests for formal opinions are not
 18 confidential and any deliberations of the committee
 19 regarding a request for a formal opinion shall be
 20 public. Opinions issued in response to requests for
 21 formal opinions are not confidential, shall be in
 22 writing, and shall be placed on file in the office of
 23 the chief clerk of the house. Persons requesting
 24 formal opinions shall personally receive a copy of the
 25 written formal opinion that is issued in response to
 26 the request.

27 17. PERSONAL FINANCIAL DISCLOSURE FORM. The
 28 following form shall be used for disclosure of
 29 economic interests under these rules and section
 30 68B.35 of the Code:

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1 STATEMENT OF ECONOMIC INTERESTS
 2 Name: _____
 3 (Last) (First) (Middle Initial)
 4 Address: _____
 5 (Street Address, Apt.#/P.O. Box)
 6 _____
 7 (City) (State) (Zip)
 8 Phone:(Home)_____/____-(Business)_____/____-

9 *****

10 This form is due each year on or before February

11 15. The reporting period is the most recently

12 completed calendar year.

13 In completing Division III of this form, if your

14 percentage of ownership of an asset is less than 100

15 percent, multiply your percentage of ownership by the

16 total revenue produced to determine if you have

17 reached the \$1,000 threshold.

18 Do not report income received by your spouse or

19 other family members.

20 In completing this form, if insufficient space is

21 provided for your answer, you may attach additional

22 information/answers on full-size sheets of paper.

23 Division I. Business, Occupation, Profession.

24 List each business, occupation, or profession in

25 which you are engaged, the nature of the business if

26 not evident, and your position or job title. No

27 income threshold or time requirement applies.

28 Examples:

29 If you are employed by an individual, state the

30 name of the individual employer, the nature of the

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1 business, and your position.

2 If you are self-employed and are not incorporated

3 or are not doing business under a particular business

4 name, state that you are self-employed, the nature of

5 the business, and your position.

6 If you own your own corporation, are employed by a

7 corporation, or are doing business under a particular

8 business name, state the name and nature of the

9 business or corporation and your position.

10 1 _____

11 2 _____

12 3 _____

13 4 _____

14 5 _____

15 6 _____

16 Division II. Commissions from Sales of Goods or

17 Services to Political Subdivisions.

18 This part is to be completed only by Legislators.

19 If you received income in the form of a commission

20 from the sale of goods or services to a political

21 subdivision, state the name of the purchasing

22 political subdivision. The amount of commission

23 earned is not required to be listed.

24 1 _____

25 2 _____

26 3 _____

27 4 _____

28 5 _____
 29 6 _____
 30 Division III. Sources of Gross Income.

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1 In each one of the following categories list each
 2 source which produces more than \$1,000 in annual gross
 3 income, if the revenue produced by the source was
 4 subject to federal or state income taxes last year.
 5 List the nature or type of each company, business,
 6 financial institution, corporation, partnership, or
 7 other entity which produces more than \$1,000 of annual
 8 gross income. Neither the amount of income produced
 9 nor value of the holding is required to be listed in
 10 any of the items.

11 A. Securities: State the nature of the business of
 12 any company in which you hold stock, bonds, or other
 13 pecuniary interests that generate more than \$1,000 in
 14 annual gross income. Income generated by multiple
 15 holdings in a single company are deemed received from
 16 a single source.

17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____

23 B. Instruments of Financial Institutions: State the
 24 types of institutions in which you hold financial
 25 instruments, such as certificates of deposit, savings
 26 accounts, etc., that produce annual gross income in
 27 excess of \$1,000, e.g., banks, savings and loans, or
 28 credit unions.

29 _____
 30 _____

Page 20

1 _____
 2 _____
 3 _____
 4 _____

5 C. Trusts: State the nature or type of any trust
 6 from which you receive more than \$1,000 of gross
 7 income annually.

8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____

14 D. Real Estate: State the general nature of real
 15 estate interests that generate more than \$1,000 of
 16 gross income annually, e.g., residential leasehold
 17 interest or farm leasehold interest. The size or
 18 location of the property interest is not required to
 19 be listed.

20 _____
 21 _____
 22 _____
 23 _____
 24 _____
 25 _____

26 E. Retirement Systems: State the name of each
 27 pension plan or other corporation or company that pays
 28 you more than \$1,000 annually in retirement benefits.

29 _____
 30 _____

Page21

1 _____
 2 _____
 3 _____
 4 _____

5 F. Other Income Categories Specified in State and
 6 Federal Income Tax Regulations.

7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____

14 (Signature of Filer) _____ (Date) _____

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
 Regular Calendar

House File 175, a bill for an act relating to the names of business entities, was taken up for consideration.

Anderson of Page 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. 175)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

House File 190, a bill for an act expanding the duties of the child death review team and making a penalty applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 190)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderydke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

House File 197, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner, 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. 197)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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 175, 190 and 197.**

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

BOARD OF REGENTS

Annual Report on Technology Transfer and Economic Development, pursuant to Chapter 262.93, Code of Iowa.

DEPARTMENT OF ADMINSTRATIVE SERVICES

Report on the update of the Wallace State Office Building and consultant recommendation, pursuant to Chapter 307.21(4)(c), Code of Iowa.

DEPARTMENT OF ELDER AFFAIRS

State Long-Term Care Ombudsman Annual Report for 2004, pursuant to Chapter 231.42(7), Code of Iowa.

DEPARTMENT OF HUMAN SERVICES

Annual report for the Health and Well Kids in Iowa Program (hawk-i), pursuant to Chapter 514I, Code of Iowa.

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2004 annual report of major functions and special activities, pursuant to Chapter 312.3B, 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

- | | |
|----------|---|
| 2005\355 | Mr. and Mrs. George Braden, Eldridge – For celebrating their 50 th wedding anniversary. |
| 2005\356 | Mr. and Mrs. Raymond Ludin, Davenport – For celebrating their 50 th wedding anniversary. |
| 2005\357 | Mr. Mrs. George Lawton, Walcott – For celebrating their 50 th wedding anniversary. |
| 2005\358 | Betty Mangels, Davenport – For celebrating her 80 th birthday. |
| 2005\359 | Edwin Petersen, Davenport – For celebrating his 80 th birthday. |
| 2005\360 | Dorothy Harling, Davenport – For celebrating her 95 th birthday. |
| 2005\361 | Edgar and Meta Hemphill, Atlantic – For celebrating their 60 th wedding anniversary. |

- 2005\362 Rita Morton, Griswold – For celebrating her 90th birthday.
- 2005\363 Franklin and Marian Hammer, Clinton – For celebrating their 55th wedding anniversary.
- 2005\364 Ben Navratil, Plymouth – For celebrating his 90th birthday.
- 2005\365 Marie “Pat” Perkins, Klemme – For celebrating her 80th birthday.
- 2005\366 Goldie T. Siems, Sheffield – For celebrating her 80th birthday.
- 2005\367 Jerry and Adeline Jurgens, Hampton – For celebrating their 65th wedding anniversary.
- 2005\368 Ivan and Geraldine Pitkin, Clear Lake – For celebrating their 62nd wedding anniversary.
- 2005\369 Calvin and Dorothy Jurgens, Thornton – For celebrating their 60th wedding anniversary.
- 2005\370 Kenny and Betty Dreyer, Latimer – For celebrating their 50th wedding anniversary.
- 2005\371 Leonard and Maurine Amendt, Southerland – For celebrating their 50th wedding anniversary.
- 2005\372 Henry Brink, Sheldon – For celebrating his 90th birthday.
- 2005\373 Evelyn Dash, Clinton – For celebrating her 90th birthday.
- 2005\374 Mary Work, Clinton – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 184

Human Resources: Heaton, Chair; Heddens and Roberts.

House File 195

Local Government: Watts, Chair; Arnold and Kressig.

House File 207

Judiciary: Kaufmann, Chair; Maddox and Smith.

House File 212

Education: Roberts, Chair; Carroll and Mascher.

House File 226

Agriculture: Drake, Chair; Alons, Dolecheck, Frevert and Mertz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 147**

Natural Resources: Lukan, Chair; D. Taylor and J.R. Van Fossen.

House Study Bill 148

Natural Resources: Lukan, Chair; Arnold and Davitt.

House Study Bill 149

Natural Resources: Freeman, Chair; Lukan and Whitaker.

House Study Bill 150

Local Government: Tjepkes, Chair; Gaskill and Schickel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 151 Transportation**

Relating to the penalties for certain prohibited acts by motor vehicle dealers.

H.S.B. 152 Transportation

Relating to state department of transportation duties concerning its budget, distribution of state institutional, secondary, and farm-to-market road funds, vehicle weight restrictions, all-terrain vehicle use, and airport transfers to aviation authorities.

H.S.B. 153 Transportation

Relating to obstructions in highways and providing penalties.

H.S.B. 154 Human Resources

Relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

H.S.B. 155 Human Resources

Revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

H.S.B. 156 Human Resources

Relating to child care services administered by the department of human services by revising requirements for the state child care assistance program and providing for implementation of a voluntary child care rating system.

H.S.B. 157 Human Resources

Relating to the provisions of the elder Iowans Act.

H.S.B. 158 Environmental Protection

Relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

H.S.B. 159 Commerce, Regulation and Labor

Relating to the duties imposed on a real estate broker by a brokerage agreement.

H.S.B. 160 Commerce, Regulation and Labor

Relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

H.S.B. 161 Commerce, Regulation and Labor

Relating to the Iowa long-term care asset disregard incentive program, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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 AGRICULTURE

Committee Bill (Formerly House File 128), relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 92), relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2005.

On motion by Gipp of Winneshiek the House adjourned at 4:27 p.m., until 8:45 a.m., Thursday, February 10, 2005.

JOURNAL OF THE HOUSE

Thirty-second Calendar Day - Twenty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 10, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Matthew Martens, pastor of the Zion Lutheran Church, Clinton. He was the guest of Representative Polly Bukta from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 9, 2005 was approved.

INTRODUCTION OF BILLS

House File 255, by Greiner, a bill for an act relating to registration of vehicles by owners of abandoned vehicles and providing an effective date.

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

House File 256, by Jochum, Hunter, Whitead, Lykam, Quirk, Cohoon and Shoultz, a bill for an act relating to mandatory disclosures in certain political telephone communications, and applying a penalty.

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

House File 257, by T. Taylor, a bill for an act concerning the payment of medical costs for injuries incurred by members of the statewide fire and police retirement system in the performance of their duties.

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

House File 258, by Wise, a bill for an act removing certain barriers between secondary and postsecondary institutions relating to supplementary weighting and postsecondary enrollment options in order to increase opportunities for Iowa's students.

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

House File 259, by Hogg, T. Taylor, Pettengill, Dandekar, Foege, D. Taylor and Jacoby, a bill for an act relating to dependent adults and at-risk older adults.

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

House File 260, by Swaim, a bill for an act exempting schools from paying a fee to obtain a raffle license.

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

House File 261, by Foege and Schickel, a bill for an act relating to state and local regulation of smoking.

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

House File 262, by Jochum, a bill for an act relating to the increase in the amount of property rehabilitation tax credits authorized for approval for a fiscal year and including effective and applicability date provisions.

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

House File 263, by Rasmussen, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

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

House File 264, by Jacoby, a bill for an act establishing a statewide work-based learning intermediary network grant program and making an appropriation.

Read first time and referred to committee on **economic growth**.

House File 265, by Dandekar and Paulsen, a bill for an act relating to county supervisors in certain counties by allowing full-time or part-time status to be decided by the electorate, by requiring a five-member board of supervisors elected by voters in districts, by requiring districts to be drawn by the state commissioner of elections, and including implementation, effective date, and transition provisions.

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

House File 266, by Paulsen, a bill for an act relating to a limitation on certain county and city property taxes in certain fiscal years and providing for the Act's applicability.

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

House File 267, by Huser and Petersen, a bill for an act providing for income tax credits for the cost of adding mental health coverage to group insurance policies of small businesses and providing effective and retroactive applicability date provisions.

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

House File 268, by Dandekar, Struyk, Smith and Petersen, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

House File 269, by Zirkelbach, a bill for an act providing for renewable fuel by establishing standards for ethanol blended gasoline and biodiesel fuel, and making penalties applicable.

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

House File 270, by Mascher, a bill for an act extending the statute of limitations for criminal offenses related to sexual abuse.

Read first time and referred to committee on **public safety**.

House File 271, by Ford, a bill for an act relating to the contamination of water supplies by providing for associated liability.

Read first time and referred to committee on **environmental protection**.

House File 272, by Mascher, a bill for an act regulating precursors to amphetamine and methamphetamine and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 273, by Mascher, a bill for an act concerning eligibility requirements under the statewide fire and police retirement system for payment of a line of duty death benefit for a death resulting from a heart attack or stroke.

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

House File 274, by Mascher, a bill for an act relating to township property tax levies for emergency services and providing an applicability date.

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

SPECIAL PRESENTATION

Bukta of Clinton introduced to the House the Honorable Arthur Ollie, former representative from Clinton County.

The House rose and expressed its welcome.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 9, 2005. Had I been present, I would have voted "aye" on House Resolutions 6 and 7 and "aye" on House Files 175, 190 and 197.

T. TAYLOR of Linn

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

- 2005\375 Carroll and Waneta Hall, Webster City – For celebrating their 50th wedding anniversary.
- 2005\376 Melvin and Jean Lehman, Eagle Grove – For celebrating their 50th wedding anniversary.
- 2005\377 Charles Tigner, Lehigh – For celebrating his 80th birthday.
- 2005\378 Ruby Nail, Webster City – For celebrating her 90th birthday.
- 2005\379 Lydia A. Dencklau, Eagle Grove – For celebrating her 90th birthday.
- 2005\380 Grace Gnade, Webster City – For celebrating her 80th birthday.
- 2005\381 Roberta Michalson, Eagle Grove – For celebrating her 90th birthday.
- 2005\382 Lela Naden, Webster City – For celebrating her 90th birthday.
- 2005\383 Laura Langholdt, Ricketts – For celebrating her 85th birthday.
- 2005\384 Fran Allen, Eagle Grove – For celebrating her 90th birthday.
- 2005\385 Alvin and Margaret Dorenkamp, Belmont – For celebrating their 60th wedding anniversary.
- 2005\386 Ernest and Iris Nelsen, Rowan – For celebrating their 65th wedding anniversary.
- 2005\387 Bill and Jean Biggins, Webster City – For celebrating their 50th wedding anniversary.
- 2005\388 Emmett and Dorothy Fraser, Clarion – For celebrating their 50th wedding anniversary.
- 2005\389 Robert and Mona McNamara, Belmont – For celebrating their 60th wedding anniversary.
- 2005\390 Reid Redenius, Clarion – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2005\391 Jan Heiden, Northeast Hamilton Community School District – For receiving the Better Boardsmanship Award from the Iowa Association of School Boards.
- 2005\392 Lloyd and Patricia Heins, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\393 Mark Ross, Dubuque – For being a state finalist in the National Geography Bee.
- 2005\394 Brian Ensign, Dubuque – For being a state finalist in the National Geography Bee.
- 2005\395 Raymond Uthe, Boone – For celebrating his 90th birthday.
- 2005\396 Walter and Edna Jahn, Ute – For celebrating their 64th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 154

Judiciary: Tymeson, Chair; Carroll and Winkler.

House File 176

Commerce, Regulation and Labor: Petersen, Chair; Jenkins and Struyk.

House File 217

Human Resources: Heaton, Chair; Foege and Freeman.

House File 232

Local Government: Schickel, Chair; Jones and D. Olson.

House File 234

Local Government: Schickel, Chair; Jones and Schueller.

House File 238

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 240

Public Safety: Baudler, Chair; Berry and Chambers.

House File 241

Judiciary: Boal, Chair; Kaufmann and Swaim.

House File 243

Judiciary: Kaufmann, Chair; Boal and Lensing.

House File 244

Natural Resources: J.R. Van Fossen, Chair; Rasmussen and Reichert.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 154

Human Resources: Carroll, Chair; Heaton, Heddens, Upmeyer and Wendt.

House Study Bill 155

Human Resources: Granzow, Chair; Hunter and Hutter.

House Study Bill 156

Human Resources: Granzow, Chair; Ford and Tymeson.

House Study Bill 157

Human Resources: Roberts, Chair; Freeman and Jacoby.

House Study Bill 159

Commerce, Regulation and Labor: Soderberg, Chair; Jacobs and Jacoby.

House Study Bill 160

Commerce, Regulation and Labor: Wilderdyke, Chair; Quirk and Soderberg.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 162 State Government

Concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

H.S.B. 163 State Government

Establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

H.S.B. 164 State Government

Concerning authorizing table games and operating a moored barge for certain dog racetracks and excursion boats located in the same county and providing an effective date.

H.S.B. 165 State Government

Relating to the authority and duties of the department of administrative services, including information technology services, cooperative procurement agreements, distribution of state employee salary information, state vehicle assignment, publication fees for official notices, and cost reimbursement for project management services, and providing an effective date and retroactive applicability provisions.

H.S.B. 166 State Government

Relating to the Iowa public employees' retirement system and the judicial retirement system.

H.S.B. 167 Human Resources

Eliminate certain restrictions on the authority of a physician assistant to prescribe certain schedule II controlled substances.

H.S.B. 168 Oversight

Relating to bidding requirements for state executive branch purchases.

H.S.B. 169 Economic Growth

Providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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 ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 81), relating to tax credit certificates issued by the Iowa capital investment board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2005.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 139), relating to the state school foundation program by increasing the regular program foundation base, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 37), relating to accounts and fees under the water quality protection fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 9, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 73), relating to the purchase, possession, or consumption of alcohol by a person under the legal age and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 2005.

Committee Bill (Formerly House Study Bill 10), Relating to certain penalties for filing false affidavits under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 2005.

COMMITTEE ON STATE GOVERNMENT

House File 50, a bill for an act relating to the provision of emergency crisis counseling to emergency service personnel at the place of an emergency or an accident by a volunteer critical incident stress management team member.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2005.

Pursuant to Rule 31.7, House File 50 was referred to the committee on judiciary.

Committee Bill (Formerly House Study Bill 65), relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, placement of campaign signs, and use of public resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2005.

RESOLUTIONS FILED

HCR 6, by Ford, a concurrent resolution requesting establishment of an interim study committee by the legislative council to conduct a study of issues related to accountability and fraud in contracts or agreements between private contractors and the state of Iowa.

Laid over under **Rule 25**.

HR 11, by Mascher, a resolution requesting Iowa's congressional delegation to work to secure adequate funding for mandates required under the federal No Child Left Behind Act of 2001.

Laid over under **Rule 25**.

AMENDMENT FILED

H—1020 H.F. 216 Huser of Polk

On motion by Gipp of Winneshiek the House adjourned at 9:08 a.m., until 8:45 a.m., Friday, February 11, 2005.

JOURNAL OF THE HOUSE

Thirty-third Calendar Day - Twenty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 11, 2005

The House met pursuant to adjournment at 8:49 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, Majority Leader of the House.

The Journal of Thursday, February 10, 2005 was approved.

INTRODUCTION OF BILLS

House File 275, by committee on judiciary, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

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

House File 276, by committee on education, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

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

House File 277, by committee on commerce, regulation and labor, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, and providing a penalty.

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

House File 278, by Frevert, Freeman, D. Taylor, Wessel-Kroeschell, Swaim, Mertz, Whitaker, Granzow, Gaskill, Wendt, Heddens and Baudler, a bill for an act increasing the reimbursement

amount paid by distributors to persons redeeming empty beverage containers.

Read first time and referred to committee on **environmental protection**.

House File 279, by Jenkins, a bill for an act relating to registration fees for certain motor trucks and modifying motor vehicle registration fees that are based on weight and value and providing an applicability date.

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

House File 280, by Carroll, a bill for an act relating to mental health, mental retardation, and developmental disabilities services by revising involuntary hospitalization procedures involving the county central point of coordination process and patient advocates and authorizing counties to create a special program fund for these services.

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

House File 281, by committee on judiciary, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

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

House File 282, by committee on natural resources, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

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

House File 283, by Mascher, a bill for an act relating to health facility staffing standards and providing penalties.

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

House File 284, by Carroll, a bill for an act relating to the establishment of rural improvement zones.

Read first time and referred to committee on **economic growth**.

House File 285, by Dandekar, Hoffman, Thomas, Struyk, Wise and Hogg, a bill for an act relating to criteria for the establishment of business accelerators by the department of economic development.

Read first time and referred to committee on **economic growth**.

House File 286, by J.R. Van Fossen, Hunter, Whitead, Baudler, Lukan, Tjepkes and Arnold, a bill for an act relating to the rulemaking authority of the natural resource commission regarding the taking and possession of certain migratory birds and providing for a mourning dove hunting fee, and penalties.

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

House File 287, by Lukan, a bill for an act relating to parental consent prior to the performance of an abortion on a minor, and providing penalties.

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

House File 288, by committee on education, a bill for an act relating to the state school foundation program by increasing the regular program foundation base, and providing an effective date.

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

House File 289, by Ford, a bill for an act relating to a requirement that children receive a blood test for lead by age six or prior to enrollment in an elementary school.

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

House File 290, by Mascher, a bill for an act specifying the state's responsibility for the cost of the statewide public health nursing and homemaker-home health aide programs.

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

House File 291, by committee on environmental protection, a bill for an act relating to accounts and fees under the water quality protection fund.

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

House File 292, by Mascher, a bill for an act prohibiting the possession, transfer, or sale of a firearm or offensive weapon by a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 293, by Mascher, a bill for an act making an annual appropriation to the commission of veterans affairs for the state veterans cemetery.

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

House File 294, by Mascher, a bill for an act increasing the fine for failure to yield to or exercise due care to avoid colliding with a pedestrian.

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

House File 295, by Mascher, a bill for an act reinstating the school improvement technology program, making an appropriation, and providing an effective date.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 10, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 76, a bill for an act relating to income tax deduction for donations made for tsunami relief and including effective and retroactive applicability date provisions.

Also: that the Senate has on February 10, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 78, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Also: that the Senate has on February 10, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

Also: that the Senate has on February 10, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 123, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

MICHAEL E. MARSHALL, Secretary

SUBCOMMITTEE ASSIGNMENT

House File 213

Commerce, Regulation and Labor: May, Chair; T. Taylor and Watts.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 166

State Government: Elgin, Chair; Drake, Jochum, Tomenga and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 170 Commerce, Regulation and Labor

Relating to the regulation of hot water heating boilers for swimming pools and spas.

H.S.B. 171 Judiciary

Relating to license revocations for repeat operating-while-intoxicated offenders.

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 EDUCATION

Committee Bill (Formerly House File 139), relating to the state school foundation program by increasing the regular program foundation base, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 2005.

Pursuant to Rule 31.7, House File 139 was referred to the committee on ways and means.

AMENDMENTS FILED

H—1021	H.F.	216	Huser of Polk
H—1022	H.F.	216	Ford of Polk

On motion by Watts of Dallas the House adjourned at 8:54 a.m., until 1:00 p.m., Monday, February 14, 2005.

JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 14, 2005

The House met pursuant to adjournment at 1:11 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Mike Morgan, pastor of the First United Methodist Church, Marion. He was the guest of Representative Swati Dandekar from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by two representatives from the Woodbine High School Show Choir, Woodbine. They were the guests of Representative Paul Wilderdyke from Harrison County.

The Journal of Friday, February 11, 2005 was approved.

INTRODUCTION OF BILL

House File 296, by Mascher, a bill for an act establishing a priority for provision of infrastructure funding for the Iowa juvenile home and the state training school.

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

SENATE MESSAGES CONSIDERED

Senate File 76, by committee on ways and means, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

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

Senate File 78, by committee on local government, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary

annexation petition and including effective and applicability date provisions.

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

Senate File 114, by committee on economic growth, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

Read first time and referred to committee on **economic growth**.

Senate File 123, by committee on state government, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

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

On motion by Gipp of Winneshiek, the House was recessed at 1:18 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:30 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 297, by Jenkins and Jacobs, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture.

Read first time and referred to committee on **economic growth**.

House File 298, by De Boef, a bill for an act changing the distribution of the fine for operating a motor vehicle without proof of financial liability coverage.

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

House File 299, by Ford, a bill for an act creating a junior entrepreneur training assistance program and providing a tax deduction.

Read first time and referred to committee on **economic growth**.

House File 300, by Ford, a bill for an act relating to an unfair or deceptive practice in the insurance trade involving the discharge of individuals from hospitals, and providing penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 301, by Ford, a bill for an act relating to application procedures for a driver's license or nonoperator's identification card prior to an inmate's release from confinement.

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

House File 302, by Ford, a bill for an act prohibiting certain financial incentives for health care providers by group managed care health plans.

Read first time and referred to committee on **commerce, regulation and labor**.

The House stood at ease at 3:31 p.m., until the fall of the gavel.

The House resumed session at 4:32 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 186, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 186)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

Regular Calendar

House File 227, 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, was taken up for consideration.

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?" (H.F. 227)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdike
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

House File 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board, was taken up for consideration.

Raecker 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. 253)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

Ways and Means Calendar

House File 216, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the

use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services, was taken up for consideration.

Ford of Polk offered amendment H-1022 filed by him as follows:

H-1022

1 Amend House File 216 as follows:

2 1. Page 1, line 8, by striking the word "a" and
3 inserting the following: "a".

4 2. Page 1, line 9, by inserting after the word
5 "operator's" the following: "an intermediate or
6 full".

7 3. By striking page 8, line 20, through page 9,
8 line 15, and inserting the following:

9 "Sec. ____ Section 321.178, subsection 2,
10 paragraph a, Code 2005, is amended to read as follows:

11 a. A person between sixteen and eighteen years of
12 age who has completed an approved driver's education
13 course and is not in attendance at school ~~or who is in~~
14 ~~attendance in a public or private school where an~~
15 ~~approved driver's education course is not offered or~~
16 ~~available,~~ may be issued a restricted license only for
17 travel to and from work or to transport dependents to
18 and from temporary care facilities, if necessary for
19 the person to maintain the person's present
20 employment, ~~without having completed an approved~~
21 ~~driver's education course.~~ The restricted license
22 shall be issued by the department only upon
23 confirmation of the person's employment and need for a
24 restricted license to travel to and from work or to
25 transport dependents to and from temporary care
26 facilities if necessary to maintain the person's
27 employment ~~and upon receipt of a written statement~~
28 ~~from the public or private school that an approved~~
29 ~~course in driver's education was not offered or~~
30 ~~available to the person, if applicable.~~ The employer
31 shall notify the department if the employment of the
32 person is terminated before the person attains the age
33 of eighteen. ~~The person shall not have a restricted~~
34 ~~license revoked or suspended upon reentering school~~
35 ~~prior to age eighteen if the student enrolls in and~~
36 ~~completes the classroom portion of an approved~~
37 ~~driver's education course as soon as a course is~~

38 available."

39 4. Page 10, line 7, by striking the words and
40 figure "~~or section 321.178~~" and inserting the
41 following: "~~or section 321.178~~".

42 5. Page 15, by striking lines 32 through 34 and
43 inserting the following: "the requirements of section
44 299.1B or issuing the juvenile a temporary restricted
45 license under section 321.215 if the juvenile is
46 employed at least twenty hours per week 321.178."

47 6. By renumbering as necessary.

Ford of Polk offered the following amendment H-1023, to amendment H-1022, filed by him from the floor and moved its adoption:

H-1023

1 Amend the amendment, H-1022, to House File 216 as
2 follows:

3 1. Page 1, line 16, by inserting after the word
4 "available," the following: "and has not met the
5 requirements described in section 299.2, subsection
6 1".

Amendment H-1023 was adopted.

On motion by Ford of Polk, amendment H-1022, as amended, was adopted placing out of order amendment H-1021 filed by Huser of Polk on February 11, 2005.

Huser of Polk offered the following amendment H-1020 filed by her and moved its adoption:

H-1020

1 Amend House File 216 as follows:

2 1. Page 20, by striking lines 17 through 25 and
3 inserting the following:
4 "Sec. ____ Section 452A.17, subsection 1,
5 paragraph a, subparagraph (2), Code 2005, is amended
6 to read as follows:
7 (2) An Iowa urban transit system, or a company
8 operating a taxicab service under contract with an
9 Iowa urban transit system, which is used for a purpose
10 specified in section 452A.57, subsection 6."

Amendment H-1020 was adopted.

Huser 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. 216)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 3:

Schueller	Thomas	Zirkelbach
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Absent or not voting, none.

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 186, 216, 227 and 253.**

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

- 2005\397 Eric Fischer, Dubuque – For winning the Prudential Spirit Award for fundraising for the Make-A-Wish Foundation and the American Cancer Society.
- 2005\398 John and Algene Klotz, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\399 Paul and Phyllis Erschen, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\400 Ken and Colleen Herman, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\401 William and Janet Rang, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\402 Harold and Katie Rockzien, Wyoming – For celebrating their 50th wedding anniversary.
- 2005\403 Robert and Roberta Plattenberger, Martelle – For celebrating their 60th wedding anniversary.
- 2005\404 LeRoy and Lois Sorenson, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\405 Jerry and Betty Conover, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\406 John and Vandaly Junck, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\407 Ron Anderson, Sioux City – For celebrating his 80th birthday.
- 2005\408 Evelyn Rosenkrans, Sioux City – For celebrating her 89th birthday.
- 2005\409 Walt and Doris Kelley, Woodbine – For celebrating their 50th wedding anniversary.
- 2005\410 Kenneth and Minnie Moores, Woodbine – For celebrating their 60th wedding anniversary.
- 2005\411 Stan Hansen, Moorhead – For celebrating his 80th birthday.

- 2005\412 Joe and Dorella Kleinhesselink, Orange City – For celebrating their 60th wedding anniversary.
- 2005\413 Orville and Marlene Feauto, Akron – For celebrating their 50th wedding anniversary
- 2005\414 Donald and Lois Van Egdome, Hawarden – For celebrating their 50th wedding anniversary.
- 2005\415 Roland and Eleanor Schreiner, Ireton – For celebrating their 50th wedding anniversary.
- 2005\416 Delbert and Nancy Van Skike, Ireton – For celebrating their 50th wedding anniversary.
- 2005\417 Hazel Johnson, Exira – For celebrating her 90th birthday.
- 2005\418 Doris Grabill, Audubon – For celebrating her 90th birthday.
- 2005\419 Earl and Emily Howe, Tipton – For celebrating their 67th wedding anniversary.
- 2005\420 M. Blanche Harris, Grinnell – For celebrating her 90th birthday.
- 2005\421 Velma James, Montezuma – For celebrating her 85th birthday.
- 2005\422 Isabel Septer, Montezuma – For celebrating her 92nd birthday.
- 2005\423 Wayne and Myrtle Rich, Atlantic – For celebrating their 60th wedding anniversary.
- 2005\424 Shannon and Marilyn Davis, La Porte City – For celebrating their 50th wedding anniversary.
- 2005\425 Lloyd and Exie Walton, Jesup – For celebrating their 50th wedding anniversary.
- 2005\426 LaVerne and Phyllis Lentz, Aurora – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 210

Appropriations: Jacobs, Chair; Heaton and Mascher.

House File 270

Public Safety: Alons, Chair; De Boef and Heddens.

House File 272

Public Safety: Baudler, Chair; Chambers and Shoultz.

House File 285

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 286

Natural Resources: Freeman, Chair; Bell and Upmeyer.

Senate File 75

Appropriations: Chambers, Chair; Alons and Zirkelbach.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 151**

Transportation: Jones, Chair; Lykam and Raecker.

House Study Bill 152

Transportation: Rayhons, Chair; Arnold, Hunter, Huseman and Lykam.

House Study Bill 161

Commerce, Regulation and Labor: Sands, Chair; Hoffman and Oldson.

House Study Bill 162

State Government: Raecker, Chair; Boal and Lensing.

House Study Bill 163

State Government: Greiner, Chair; Jones and Quirk.

House Study Bill 164

State Government: Raecker, Chair; Boal and Quirk.

House Study Bill 165

State Government: Raecker, Chair; Lensing and Paulsen.

House Study Bill 171

Judiciary: Kaufmann, Chair; Berry and Tymeson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 172 Appropriations

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 general fund.

H.S.B. 173 Local Government

Relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

H.S.B. 174 Natural Resources

Relating to the establishment of a special late season deer hunt and making a penalty applicable.

AMENDMENTS FILED

H—1024	H.F.	277	Watts of Dallas Soderberg of Plymouth
H—1025	H.F.	277	Watts of Dallas Wise of Lee

On motion by Gipp of Winneshiek the House adjourned at 5:25 p.m., until 8:45 a.m., Tuesday, February 15, 2005.

JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day - Twenty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 15, 2005

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Bill Bernau, former state representative from Story County and pastor of Grace Lutheran Church, Adel. He was the guest of Representative Beth Wessel-Kroeschell from Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 14, 2005 was approved.

INTRODUCTION OF BILLS

House File 303, by Wise and Heaton, a bill for an act relating to the inclusion of kindergarten and prekindergarten pupils in the actual enrollment of a school district.

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

House File 304, by Freeman and Bell, a bill for an act relating to deer population management and providing penalties and appropriations.

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

House File 305, by Raecker, a bill for an act relating to the endow Iowa program and county endowment funds, making appropriations, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **economic growth**.

House File 306, by Berry, a bill for an act relating to staffing standards in health facilities, and providing penalties.

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

House File 307, by Van Engelenhoven, a bill for an act regulating title loans and title loan lenders, including the establishment of licensing requirements, disclosure requirements, title loan agreement provision requirements, limitations on interest and fees charged, recordkeeping requirements, and providing for fees and penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 308, by Murphy, a bill for an act relating to the law on homeowners' associations and providing certain remedies.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 309, by Chambers, a bill for an act relating to the forfeiture of a firearm in criminal offenses involving a controlled substance, counterfeit substance, or simulated controlled substance.

Read first time and referred to committee on **public safety**.

SENATE FILE 114 REREFERRED

The Speaker announced that Senate File 114, previously referred to committee on **economic growth** was **passed on file**.

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

- 2005\428 Willie and Marj Tintjer, Hubbard – For celebrating their 50th wedding anniversary.
- 2005\429 Russell and Marjorie Stensland, Radcliffe – For celebrating their 60th wedding anniversary.
- 2005\430 Velma Carpenter, Iowa Falls – For celebrating her 85th birthday.
- 2005\431 Lyle and Lois Hackbarth, Eldora – For celebrating their 55th wedding anniversary.
- 2005\432 Bob and Pat Gallagher, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\433 Michael Sullivan, Waterloo – For celebrating his 85th birthday.
- 2005\434 Betty Jane Engebretson, Sheffield – For celebrating her 85th birthday.
- 2005\435 Mike Symens, Sheffield – For being honored by the Iowa Football Coaches Association, receiving the 2004-05 Academic All-State Award for Excellence in Academic Achievements and Football.
- 2005\436 Edna Ayers, Aredale – For celebrating her 99th birthday.
- 2005\437 Charlotte McMillen, Alden – For celebrating her 85th birthday.
- 2005\438 Tena Peters, Kanawha – For celebrating her 101st birthday.
- 2005\439 Lee and Jan Hinrichs, Monticello – For celebrating their 50th wedding anniversary.
- 2005\440 Mary Foell, Schaller – For receiving a 2005 Prudential Spirit of Community Award.
- 2005\441 Roger and Leona Ames, Mason City – For celebrating their 50th wedding anniversary.
- 2005\442 Kenneth and Bernadine Rodemeyer, Mason City – For celebrating their 50th wedding anniversary.
- 2005\443 Lee and Doris McClain, Harris – For celebrating their 65th wedding anniversary.
- 2005\444 Frederick and Arlene Sutter, West Union – For celebrating their 60th wedding anniversary.
- 2005\445 Arthur and Dorothy Peterson, Sheldon – For celebrating their 50th wedding anniversary.
- 2005\446 Mike and Sarah Ver Steeg, Inwood – For being named 2004 Master Pork Producers by the Iowa Pork Producers Association.

- 2005\447 Harold Dekkers, Hawarden – For being named a 2004 Master Pork Producer by the Iowa Pork Producers Association.
- 2005\448 Joe and Jean Patzner, Sigourney – For celebrating their 50th wedding anniversary.
- 2005\449 Carl and Edith Stoutner, Keota – For celebrating their 70th wedding anniversary.
- 2005\450 Rex Allgood, What Cheer – For celebrating his 80th birthday.
- 2005\451 Maxine Morris, Keota – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 50

Judiciary: Tymeson, Chair; Alons and Foege.

House File 229

Education: Tomenga, Chair; Ford and Roberts.

House File 239

Education: Tymeson, Chair; Dolecheck and Wendt.

House File 245

Human Resources: Kurtenbach, Chair; Ford and Tymeson.

House File 258

Education: Chambers, Chair; Soderberg and Wise.

House File 265

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House File 280

Human Resources: Carroll, Chair; Hutter and Smith.

House File 284

Economic Growth: Wilderdyke, Chair; Jenkins and Zirkelbach.

House File 289

Education: Granzow, Chair; Carroll and Foege.

House File 292

Public Safety: Baudler, Chair; Chambers and Shoultz.

House File 295

Education: Boal, Chair; Dolecheck and Mascher.

House File 297

Economic Growth: Jenkins, Chair; Schueller and Wilderdyke.

House File 299

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 305

Economic Growth: Lalk, Chair; Fallon and Granzow.

Senate File 78

Local Government: Tjepkes, Chair; Jones and Whitead.

Senate File 123

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 109**

Ways and Means: Struyk, Chair; Jochum and Kurtenbach.

House Study Bill 168

Government Oversight: Alons, Chair; Baudler and Lensing.

House Study Bill 173

Local Government: Schickel, Chair; Maddox and Wessel-Kroeschell.

House Study Bill 174

Natural Resources: Baudler, Chair; Bell and Freeman.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 175 Public Safety**

Regulating the precursor substances relating to amphetamine and methamphetamine, and providing penalties and effective dates.

H.S.B. 176 Human Resources

Providing for the Iowa department of public health to administer the Iowa food code in place of the department of inspections and appeals.

H.S.B. 177 Judiciary

Relating to the state and local public defenders and the representation of indigent persons in court.

H.S.B. 178 Local Government

Relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

H.S.B. 179 Public Safety

Relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

Committee Bill (Formerly House Study Bill 84), allowing certain abstractors to request a mortgage release.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 115), relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 101), exempting the sale of toys to certain nonprofit organizations from the state sales and use taxes.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2005.

Committee Bill (Formerly House Study Bill 78), relating to the establishment of an industrial processing exemption study committee and including an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2005.

On motion by Gipp of Winneshiek the House adjourned at 8:56 a.m., until 8:45 a.m., Wednesday, February 16, 2005.

JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 16, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Kevin Gingerich, pastor of Bloomfield United Methodist Church, Bloomfield. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Christopher Gingerich, son of Reverend Gingerich.

The Journal of Tuesday, February 15, 2005 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 1, by De Boef, Mertz, Alons, Boal, Carroll and Dix, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

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

House File 310, by committee on ways and means, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

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

House File 311, by committee on economic growth, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

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

House File 312, by committee on state government, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, placement of campaign signs, and use of public resources.

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

House File 313, by committee on ways and means, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date.

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

House File 314, by Wilderdyke and Ford, a bill for an act establishing requirements for persons contracting with the state to provide services.

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

House File 315, by D. Olson, a bill for an act relating to the presence of a crime victim at a hearing where the defendant is pleading guilty.

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

House File 316, by Mascher, a bill for an act relating to and providing appropriations for early childhood programs.

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

House File 317, by Van Engelenhoven, a bill for an act providing standards for ethanol blended gasoline and biodiesel fuel, and making penalties applicable.

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

House File 318, by Chambers, a bill for an act allowing a board of county supervisors to perform duties of the county compensation board.

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

House File 319, by Mascher, a bill for an act to include school nurses, school social workers, counselors, and media specialists in the student achievement and teacher quality program and eliminate a program requirement for an educational license.

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

House File 320, by Boal, J.K. Van Fossen, Roberts, Lukan, Maddox, Chambers, Freeman, Carroll, Tymeson, J.R. Van Fossen, Hoffman, Greiner, S. Olson, Eichhorn, Sands, Drake, Soderberg, Dix, Horbach, Elgin, Jones, Baudler, Hutter, Huseman and Alons, a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision.

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

House File 321, by Hutter, a bill for an act changing the bid threshold requirement for certain public improvement contracts.

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

House File 322, by Jochum, a bill for an act relating to disclosure of information on use of tax revenues for economic development purposes, providing certain remedies, and providing for the Act's implementation.

Read first time and referred to committee on **economic growth**.

House File 323, by Wise, Dandekar, Huser, Quirk, Reichert, Mertz, Whitaker, Shomshor, Bukta, Frevert, Gaskill, Bell, Jacoby, and Zirkelbach, a bill for an act providing for a business property tax credit for property taxes due, making appropriations, and including effective and applicability date provisions.

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

House File 324, by Mascher, a bill for an act providing for employment and compensation by the judicial branch of patient advocates for persons involuntarily hospitalized for mental illness.

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

House File 325, by Carroll, a bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties.

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

House File 326, by Raecker, a bill for an act relating to the improper influence of executive branch officials, executive branch employees, members of the general assembly, and legislative employees, and making penalties applicable.

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

House File 327, by Shoultz and Berry, a bill for an act relating to foundation requirements for certain manufactured homes and providing an effective date.

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

House File 328, by Greiner, a bill for an act providing for the regulation of livestock moved into this state, by requiring a certificate treatment, and making penalties applicable.

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

House File 329, by D. Olson, Shomshor, T. Taylor, Maddox, Bukta, Kressig, Wendt, Smith, Whitaker, Reasoner, Eichhorn, Rayhons and Pettengill, a bill for an act relating to safe walkways for railroad workers and making penalties applicable.

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

House File 330, by Jacobs and Jacoby, a bill for an act relating to a midwest interstate passenger rail compact and providing an effective date.

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

House File 331, by D. Olson, Smith, Shomshor, T. Taylor, Maddox, Eichhorn, Bukta, Kressig, Wendt, Whitaker, Reasoner, Rayhons and Pettengill, a bill for an act relating to the issuance of traffic citations for railroad crossing violations.

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

House File 332, by committee on commerce, regulation and labor, a bill for an act allowing certain abstractors to request a mortgage release.

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

House File 333, by Heaton, a bill for an act relating to an individual income tax credit for certain organ transplants and providing a retroactive applicability date.

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

House File 334, by Shoultz, a bill for an act to exempt press and curl services from licensure by the board of cosmetology arts and sciences examiners.

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

On motion by Jacobs of Polk, the House was recessed at 8:58 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:32 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 335, by Dandekar, Heaton, Swaim, Petersen, Roberts, Foege and Smith, a bill for an act relating to child-placing agency contracts and establishing a cause of action.

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

House File 336, by Petersen, Raecker, J.K. Van Fossen, Kurtenbach, Mertz, Huser, Eichhorn, Ford, Struyk and Freeman, a

bill for an act relating to the repeal of the state inheritance tax and state qualified use inheritance tax.

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

House File 337, by Heddens and Lukan, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

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

House File 338, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 123, a bill for an act relating to the criminal penalty surcharge and creating a criminalistics laboratory fund, was taken up for consideration.

Eichhorn of Hamilton 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. 123)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam

Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkebach	Mr. Speaker Rants

The nays were, 4:

Fallon	Hunter	Taylor, D.	Taylor, T.
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Absent or not voting, none.

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

Regular Calendar

House File 281, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision, was taken up for consideration.

Kaufmann 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. 281)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, none.

Absent or not voting, none.

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

House File 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, and providing a penalty, was taken up for consideration.

Watts of Dallas offered amendment H-1025 filed by him and Wise of Lee as follows:

H-1025

- 1 Amend House File 277 as follows:
- 2 1. Page 4, by striking line 11 and inserting the
- 3 following: "complaint from a local exchange carrier
- 4 that another local exchange carrier has engaged".
- 5 2. Page 4, line 13, by inserting after the word
- 6 "them," the following: "For purposes of this
- 7 subsection, "local exchange carrier" means the same as
- 8 defined in section 476.96 and includes a city utility
- 9 authorized pursuant to section 388.2 to provide local
- 10 exchange services."
- 11 3. Page 4, line 15, by striking the words

- 12 "service provider" and inserting the following:
 13 "carrier".
 14 4. Page 4, line 18, by striking the words
 15 "service provider" and inserting the following:
 16 "carrier".
 17 5. Page 4, lines 21 and 22, by striking the words
 18 "service provider to pay actual damages and any other"
 19 and inserting the following: "carrier to pay any".
 20 6. Page 4, by inserting after line 23 the
 21 following:
 22 "c. The local exchange carrier to pay a civil
 23 penalty."
 24 7. Page 4, line 24, by striking the figure "c."
 25 and inserting the following: "d."
 26 8. Page 4, line 24, by striking the word
 27 "provider" and inserting the following: "carrier".
 28 9. Page 4, by inserting after line 26 the
 29 following:
 30 "This subsection shall not be construed to modify,
 31 restrict, or limit the right of a person to bring a
 32 complaint under any other provision of this chapter."

Whitaker of Van Buren offered the following amendment H-1028, to amendment H-1025, filed by him from the floor and moved its adoption:

H-1028

- 1 Amend the amendment, H-1025, to House File 277 as
 2 follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "includes" the following: "a competitive local
 5 exchange service provider as defined in section 476.96
 6 and".
 7 2. Page 1, by inserting after line 32 the
 8 following:
 9 "An antitrust activity for which a complaint may be
 10 filed with the board pursuant to this subsection
 11 includes but is not limited to a reduction of a
 12 deregulated retail service rate below the
 13 corresponding rate for wholesale unbundled network
 14 elements after July 1, 2005."

Amendment H-1028 lost.

On motion by Wise of Lee, amendment H-1025 was adopted.

Soderberg of Plymouth offered the following amendment H-1024 filed by him and Watts of Dallas and moved its adoption:

H-1024

- 1 Amend House File 277 as follows:
- 2 1. Page 4, by inserting before line 27 the
- 3 following:
- 4 "Sec. ____ Section 476.97, subsection 12, Code
- 5 2005, is amended by striking the subsection."
- 6 2. Title page, line 4, by inserting after the
- 7 word "requirements," the following: "eliminating the
- 8 Iowa broadband initiative,".
- 9 3. By renumbering as necessary.

Amendment H-1024 was adopted.

RULE 31.8 SUSPENDED

Watts of Dallas asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H-1029.

Watts of Dallas offered the following amendment H-1029 filed by him from the floor and moved its adoption:

H-1029

- 1 Amend House File 277 as follows:
- 2 1. Page 1, line 32, by striking the words "or
- 3 after".
- 4 2. Page 2, line 2, by inserting before the word
- 5 "service" the following: "monthly".
- 6 3. Page 2, line 5, by inserting before the word
- 7 "service" the following: "monthly".
- 8 4. Page 2, line 11, by striking the words "local
- 9 calling".
- 10 5. Page 2, line 12, by inserting after the word
- 11 "fees," the following: "Each telephone utility's
- 12 extended area service rates shall not be greater than
- 13 the corresponding rates charged by the telephone
- 14 utility as of January 31, 2005. The board shall
- 15 determine a telephone utility's extended area service
- 16 rates for new extended area service established on or
- 17 after July 1, 2005."
- 18 6. Page 2, line 15, by striking the word "The"
- 19 and inserting the following: "In addition to the".
- 20 7. Page 2, by striking lines 16 through 18, and
- 21 inserting the following: "pursuant to this section,
- 22 the telephone utility may adjust its single line flat-
- 23 rated residential and business service rates by a
- 24 percentage equal to the most recent annual percentage

- 25 change in the gross domestic product price index as
 26 published by the federal government. The board may
 27 also authorize additional changes in the monthly rates
 28 for single line flat-rated residential and business
 29 services to reflect exogenous factors beyond the
 30 control of the telephone utility."
 31 8. Page 2, line 20, by striking the word "and"
 32 and inserting the following: "or".
 33 9. Page 2, line 35, by striking the words "elects
 34 to extend" and inserting the following: "extends".
 35 10. Page 3, line 10, by inserting after the word
 36 "business" the following: "monthly".

Amendment H-1029 was adopted.

Watts of Dallas 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. 277)

The ayes were, 94:

Alons	Anderson	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, 6:

Arnold	Eichhorn	Fallon	Schueller
Thomas	Whitaker		

Absent or not voting, none.

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 123, 277 and 281.**

House File 222, a bill for an act relating to the nonpartisan election of township officers; was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 222)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

House File 291, a bill for an act relating to accounts and fees under the water quality protection fund, was taken up for consideration.

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?" (H.F. 291)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Coboon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Wessel-Kroeschell Whitaker
Winckler Wise

Whitead
Zirkelbach

Wilderdyke
Mr. Speaker
Rants

The nays were, none.

Absent or not voting, none.

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 222 and 291.**

House File 252, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons, was taken up for consideration.

Rayhons 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?" (H.F. 252)

The ayes were, 99

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner

Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Olson, R.

Absent or not voting, none.

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

HOUSE FILE 128 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House File 128 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 252** be immediately messaged to the Senate.

HOUSE FILE 320 REREFERRED

The Speaker announced that House File 320, previously referred to committee on **education** was rereferred to **committee on ways and means**.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

LEGISLATIVE SERVICES AGENCY Iowa Learning Technology Study Committee

Final report on the development of a learning technology plan, pursuant to Chapter 1175, 2004 Iowa Acts.

School Finance Formula Review Committee

Final report of finance formula status and recommendations, pursuant to Chapter 257.1 (4), 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

- | | |
|----------|--|
| 2005\452 | Lorraine Hastings, Tripoli – For celebrating her 80 th birthday. |
| 2005\453 | Mildred Rundle, Oran – For celebrating her 90 th birthday. |
| 2005\454 | Ruth Whiteford, Randalia – For celebrating her 90 th birthday. |
| 2005\455 | Daryl and Dolly Bachtell, West Union – For celebrating their 50 th wedding anniversary. |
| 2005\456 | Richard and Delores Fratzke, Maynard – For celebrating their 50 th wedding anniversary. |
| 2005\457 | Kenneth and Leone Dopp, Oelwein – For celebrating their 55 th wedding anniversary. |
| 2005\458 | Dorothy Adam, Clutier – For celebrating her 85 th birthday. |
| 2005\459 | Dorothy Mohr, Keosauqua – For celebrating her 90 th birthday. |
| 2005\460 | Jack and Helen Hamburg, Cantril – For celebrating their 50 th wedding anniversary. |
| 2005\461 | Ronald and Kathleen Marshall, Ankeny – For celebrating their 50 th wedding anniversary. |
| 2005\462 | Holly Poort, Malvern – For receiving a 2005 Prudential Spirit of Community Award. |

SUBCOMMITTEE ASSIGNMENTS

House File 56

Ways and Means: Boal, Chair; Jochum and Paulsen.

House File 92

Agriculture: Kaufmann, Chair; Rayhons and Thomas.

House File 177

Administration and Rules: Jacobs, Chair; Boal, Bukta, Carroll, Dolecheck, Gipp, Heddens, Miller, Murphy, S. Olson, Rants, Reasoner, Roberts and Whitaker.

House File 230

Ways and Means: Paulsen, Chair; Schueller and Tymeson.

House File 236

Ways and Means: Drake, Chair; Huser and Lalk.

House File 262

Ways and Means: Struyk, Chair; Schueller and Tomenga.

House File 266

Ways and Means: Paulsen, Chair; Carroll and Shoultz.

House File 288

Ways and Means: Paulsen, Chair; Tymeson and Winckler.

House File 303

Education: Tymeson, Chair; Boal and Wise.

House File 304

Natural Resources: Rayhons, Chair; Baudler, Bell, Davitt, Freeman, Whitaker and Wilderdyke.

House File 309

Public Safety: Chambers, Chair; Baudler and Shoultz.

House File 314

Human Resources: Wilderdyke, Chair; Ford and Granzow.

House File 325

Human Resources: Kurtenbach, Chair; Freeman and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 126**

Ways and Means: Boal, Chair; Reasoner and Tomenga.

House Study Bill 158

Environmental Protection: Anderson, Chair; Pettengill and Watts.

House Study Bill 175

Public Safety: Baudler, Chair; Chambers, Lykam, McCarthy and Tjepkes.

House Study Bill 176

Human Resources: Upmeyer, Chair; Carroll and Heddens.

House Study Bill 177

Judiciary: Boal, Chair; Maddox and R. Olson.

House Study Bill 178

Local Government: Tjepkes, Chair; Arnold and Gaskill.

House Study Bill 179

Public Safety: Sands, Chair; Horbach and Reasoner.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 180 Environmental Protection**

Relating to a schedule established by the environmental protection commission for civil penalties.

H.S.B. 181 Environmental Protection

Relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

H.S.B. 182 Ways and Means

Relating to the financing by cities of telecommunications projects and facilities, including requirements regarding feasibility studies and reports, requiring sealed bids and city voter approval, prohibiting financing for an amount above projected costs, and increasing the minimum voter approval rate for such projects, and providing effective and retroactive applicability date.

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

House File 162, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House Study Bill 81), relating to tax credit certificates issued by the Iowa capital investment board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 10, 2005.

Pursuant to Rule 31.7, House File 311 was referred to the committee on ways and means.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 167), relating to the regulation of tobacco product retailers, and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 2005.

AMENDMENTS FILED

H—1026	H.F.	187	Paulsen of Linn
H—1027	H.F.	173	Tjepkes of Webster

On motion by Jacobs of Polk the House adjourned at 4:48 p.m., until 8:45 a.m., Thursday, February 17, 2005.

JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 17, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Tim Phillips, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 16, 2005 was approved.

INTRODUCTION OF BILL

House File 339, by committee on public safety, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable.

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

SPECIAL PRESENTATION

Upmeyer of Hancock introduced to the House students from across the state from the Iowa Nurses Association.

The House rose and expressed its welcome.

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

- 2005\463 Justin John Croghan, Manilla – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\464 Megan Hess, Spencer – For being named a top Youth Volunteer in Iowa for 2005.
- 2005\465 Hank and Pat Walters, Elma – For celebrating their 50th wedding anniversary.
- 2005\466 Wayne and Bev Meyer, Floyd – For celebrating their 50th wedding anniversary.
- 2005\467 Glen and Villanova Foss, La Porte City – For celebrating their 63rd wedding anniversary.
- 2005\468 Alvin and Marion Stickfort, Dunkerton – For celebrating their 50th wedding anniversary.
- 2005\469 Jack and Bonnie Thomas, New London – For celebrating their 50th wedding anniversary.
- 2005\470 Bill Hein, Dysart – For celebrating his 95th birthday.
- 2005\471 Norma L. Farrell, Wahpeton – For celebrating her 92nd birthday.
- 2005\472 Pearl Petersen, Keosauqua – For celebrating her 96th birthday.
- 2005\473 Avis Walsh, Charles City – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 242

State Government: Raecker, Chair; Hutter and Wendt.

House File 307

Commerce, Regulation and Labor: Sands, Chair; Jenkins and Wise.

House File 311

Ways and Means: Soderberg, Chair; Schueller and Struyk.

House File 315

Judiciary: Tymeson, Chair; Maddox and Swaim.

House File 322

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

House File 324

Judiciary: Tymeson, Chair; Alons and R. Olson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 181**

Environmental Protection: S. Olson, Chair; Horbach and Shoultz.

House Study Bill 182

Ways and Means: Struyk, Chair; Jochum and Kurtenbach.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 183 Judiciary**

Relating to consumer frauds and the advertisement of pressure-treated wood products and making penalties applicable.

H.S.B. 184 Human Resources

Relating to requests for correction of child abuse data or findings by establishing a time frame and procedure for addressing the requests.

H.S.B. 185 Human Resources

Providing for regulation by the Iowa department of public health of playgrounds operated by public agencies and providing an applicability date.

H.S.B. 186 Local Government

Relating to the apportionment of road use tax fund moneys among cities.

H.S.B. 187 Commerce, Regulation and Labor

Providing for the privatization of the state liquor warehouse, and providing penalties.

H.S.B. 188 Commerce, Regulation and Labor

Relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

H.S.B. 189 Ways and Means

Relating to the property taxation of nursing facilities and including effective and applicability date provisions.

RESOLUTION FILED

HCR 7, by Rants and Murphy, a concurrent resolution that a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 8:58 a.m., until 9:00 a.m., Friday, February 18, 2005.

JOURNAL OF THE HOUSE

Fortieth Calendar Day - Twenty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 18, 2005

The House met pursuant to adjournment at 9:05 a.m., Tymeson of Madison in the chair.

Prayer was offered by the Honorable Jodi Tymeson, state representative from Madison County.

The Journal of Thursday, February 17, 2005 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 2, by Granzow, Lensing, Winckler, Miller, May, D. Taylor, Smith, De Boef, Shoultz, Watts, S. Olson, Berry, Gaskill, T. Taylor, Jones, Tjepkes, Drake, Wilderdyke, Elgin, Roberts, Heddens, Jacoby, Tomenga, Lukan, Rasmussen, Van Engelenhoven, Arnold, Huseman and Lalk, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the Iowa House of Representatives from two years to four years.

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

House File 340, by Tymeson and Lensing, a bill for an act authorizing the sale of Iowa communications network capacity under specified circumstances, affecting the operation of the network, and making appropriations.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 341, by Huser, Arnold, Boal, Ford, Jacobs, Maddox, McCarthy, Oldson, R. Olson, Petersen, Raecker and Tomenga, a bill for an act providing procedures for a rural water district to transfer to a city utility its right to provide water service and for dissolution of the district.

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

House File 342, by Upmeyer, Heaton, Carroll, Raecker, Baudler, Alons, Huseman, Tymeson, Watts, Wilderdyke, Granzow, Hutter, Jones, Lukan, De Boef, Tjepkes, Chambers, Hoffman, Drake, Gipp, Greiner, Soderberg, Sands, S. Olson, J. R. Van Fossen, Dolecheck, Schickel, Elgin, Horbach, Arnold, Kurtenbach, Van Engelenhoven, Rayhons, Rasmussen, Lalk, Boal, Kaufmann, Tomenga, Jacobs, Maddox, Dix, Roberts, May, Paulsen, Freeman and Jenkins, 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.

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

House File 343, by Elgin, a bill for an act modifying voluntary annexation procedures and related tax exemptions.

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

House File 344, by Kaufmann, a bill for an act appropriating state franchise tax revenues to cities and counties.

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

House File 345, by Shomshor, D. Olson, T. Taylor, Smith, Maddox, Bukta, Kressig, Wendt, Whitaker, Reasoner, Eichhorn, Rayhons and Pettengill, a bill for an act requiring the posting of close-clearance warning devices by railroads and providing a penalty.

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

House File 346, by Berry, a bill for an act relating to delayed deposit services including fees, notices, transaction amounts, and reporting requirements.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 347, by Heddens and Shoultz, a bill for an act relating to pesticide application within schools, and on school grounds, athletic fields, and playgrounds, and providing an effective date.

Read first time and referred to committee on **environmental protection**.

House File 348, by Mascher, a bill for an act providing for the Iowa department of public health to administer the Iowa food code in place of the department of inspections and appeals.

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

House File 349, by Heddens, a bill for an act relating to permissible uses of physical plant and equipment levy revenue, and including an applicability provision.

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

House File 350, by Dix, a bill for an act relating to the liability of the owner of a rented motor vehicle for damages caused by negligence of the driver of the vehicle.

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

House File 351, by Mascher, a bill for an act providing for an increase in home food establishment, food establishment, and food processing plant fees.

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

House File 352, by Berry, a bill for an act relating to consumer credit by creating the refund anticipation loan Act and providing penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 353, by Upmeyer, Heaton, Eichhorn, Carroll, Raecker, Baudler, Alons, Huseman, Tymeson, Watts, Wilderdyke, Granzow, Hutter, Jones, Lukan, De Boef, Tjepkes, Chambers, Hoffman, Drake,

Gipp, Greiner, Sands, S. Olson, J.R. Van Fossen, Dolecheck, Boal, Kaufmann, Elgin, Horbach, Arnold, Kurtenbach, Van Engelenhoven, Rayhons, Rasmussen, Lalk, Tomenga, Jacobs, Maddox, Dix, Roberts, Soderberg, May, Paulsen, Freeman and Jenkins, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

House File 354, by De Boef, a bill for an act providing for the retention of solid waste tonnage fees by sanitary landfills for purposes of regional collection centers and third parties providing services similar to regional collection centers.

Read first time and referred to committee on **environmental protection**.

House File 355, by Mascher, a bill for an act providing for the state to assume the entire cost of shelter care services.

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

House File 356, by Heddens and Shoultz, a bill for an act restricting the idling of school buses on school grounds.

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

House File 357, by Ford, a bill for an act relating to information contained in applications for and recorded on driver's licenses and nonoperator's identification cards and providing an effective date.

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

House File 358, by Wise, a bill for an act requiring the department of management to study the issue of tax increment financing for purposes of urban renewal.

Read first time and referred to committee on **economic growth**.

House File 359, by Ford, a bill for an act relating to the time period used to enhance a domestic abuse assault charge.

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

House File 360, by Wendt and Oldson, a bill for an act providing supplementary weighting for shared school district operational functions, making an appropriation, and providing effective and applicability dates.

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

House File 361, by Ford, a bill for an act prohibiting a landlord under Iowa's residential landlord-tenant law from retaliating against a tenant for summoning or receiving police or emergency assistance in response to a family violence or domestic abuse situation.

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

House File 362, by Watts, a bill for an act relating to the authority of the county board of supervisors over appointed officers and boards.

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

House File 363, by Ford, a bill for an act providing for the appointment of minorities to appointive boards, commissions, committees and councils.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 17, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 102, a bill for an act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year

for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive applicability date provision.

Also: That the Senate has on February 17, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 197, a bill for an act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Also: That the Senate has on February 17, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 98, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

Also: That the Senate has on February 17, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 113, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Also: That the Senate has on February 17, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

MICHAEL E. MARSHALL, Secretary

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF HUMAN RIGHTS
Iowa Commission on the Status of Women

Annual report of accomplishments, pursuant to Chapter 216A.60, Code of Iowa.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 167

Human Resources: Upmeyer, Chair; Hunter and Roberts.

House Study Bill 183

Judiciary: Kaufmann, Chair; Eichhorn and Winckler.

House Study Bill 184

Human Resources: Roberts, Chair; Hutter and Smith.

House Study Bill 185

Human Resources: Kurtenbach, Chair; Hutter and Jacoby.

House Study Bill 186

Local Government: Watts, Chair; Arnold and Gaskill.

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 ECONOMIC GROWTH

Committee Bill (Formerly House File 185), relating to small business development centers and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 99), concerning billing for anatomic pathology services and making licensing sanctions applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 117), relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

On motion by Watts of Dallas the House adjourned at 9:12 a.m., until 12:45 p.m., Monday, February 21, 2005.

JOURNAL OF THE HOUSE

Forty-third Calendar Day - Twenty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 21, 2005

The House met pursuant to adjournment at 12:48 p.m., Speaker Rants in the chair.

Prior to convening, Miss Iowa, Carolyn Nicholas of Clear Lake sang before the House. She was the guest of Representative Linda Upmeyer from Hancock County.

Prayer was offered by Reverend Dave Weirsbe, pastor of Clear Lake Evangelical Free Church, Clear Lake. He was the guest of Representative Linda Upmeyer from Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Young Republicans from Spirit Lake. They were the guests of Representative Mike May from Dickinson County.

The Journal of Friday, February 18, 2005 was approved.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 7

Gipp of Winneshiek called up for consideration **House Concurrent Resolution 7**, as follows, and moved its adoption:

- 1 House Concurrent Resolution 7
- 2 By Rants and Murphy
- 3 *Be It Resolved By The House Of Representatives, The*
- 4 *Senate Concurring*, That a joint convention of the two
- 5 houses of the 2005 session of the Eighty-First General
- 6 Assembly be held on Monday, February 21, 2005, at 1:00
- 7 p.m.; and
- 8 *Be It Further Resolved*, That Major General Ron
- 9 Dardis be invited to present his message of the
- 10 Condition of the Iowa National Guard at this
- 11 convention.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House Concurrent Resolution 7** be immediately messaged to the Senate.

ADOPTION OF HOUSE RESOLUTION 9

Heddens of Story called up for consideration **House Resolution 9**, a resolution to recognize the Ames, Iowa, chapter of Beta Sigma Phi Sorority and Iowa artist David Rottinghaus for their work honoring Iowa's heroes in the war on terrorism, and moved its adoption.

The motion prevailed and the resolution was adopted.

COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the Speaker appointed as such committee Roberts of Carroll, Tjepkes of Webster and Quirk of Chickasaw.

REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Roberts of Carroll, Chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that the committee had performed its duty.

The report was accepted, and the committee discharged.

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 7, duly adopted, the joint convention was called to order at 1:13 p.m., President Lamberti presiding.

Senator Gronstal of Pottawattamie moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Lamberti announced a quorum present and the joint convention duly organized.

Senator Gronstal of Pottawattamie moved that a committee of seven, consisting of four members from the Senate and three members from the House of Representatives, be appointed to escort Governor Thomas J. Vilsack to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Angelo of Union, Black of Jasper, Shull of Warren and Seng of Scott, on the part of the Senate, and Representatives Alons of Sioux, Heddens of Story and Lukan of Dubuque, on the part of the House.

Senator Gronstal of Pottawattamie moved that a committee of seven, consisting of four members from the Senate and three members from the House of Representatives, be appointed to escort Adjutant General Ron Dardis to the House chamber for the Condition of the Iowa National Guard Message.

The motion prevailed and the President appointed as such committee Senators Mulder of Sioux, Warnstadt of Woodbury, Wieck of Jackson and Stewart of Jackson, on the part of the Senate, and Representatives Tymeson of Madison, Chambers of O'Brien and Zirkelbach of Jones, on the part of the House.

Treasurer of State, Michael Fitzgerald; State Auditor, David Vaudt and Attorney General, Tom Miller were escorted into the House chamber.

Mrs. Carmel Dardis, wife of the General was escorted into the House Chamber.

Lieutenant Governor Sally Pederson was escorted into the House chamber.

The committee waited upon Governor Thomas J. Vilsack and escorted him into the House Chamber.

The committee waited upon Major General Dardis and escorted him to the Speaker's station.

SPECIAL PRESENTATION

President Lamberti introduced to the joint convention, Miss Iowa, Carolyn Nicholas of Clear Lake whom sang "God Bless the USA".

The joint convention rose and expressed their appreciation.

President Lamberti presented Major General Dardis, Adjutant General of the Iowa National Guard. General Dardis provides command and control for 105 Army and Air National Guard Units and over 9,600 Army and Air National Guard members in the state of Iowa.

Major General Dardis delivered the following Condition of the Iowa National Guard Message:

GOOD AFTERNOON – THANK YOU FOR THE WARM WELCOME!

Thank you Speaker Rants, Presidents Lamberti and Kibbie, and members of the General Assembly for your kind invitation to speak to the Iowa Assembly this afternoon.

On behalf of the men and women of the Iowa Guard, we want to thank all of you for your outstanding support over the years, especially during the recent mobilization of our soldiers and airmen, as we participate in the Global War on Terrorism. As a

matter of fact, Iowa was one of only 15 states that offered benefits in six separate categories ranging from education benefits, to family support, to tax breaks to soldiers.

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pederson, we thank you for your unwavering support of our men and women in uniform. You have been with us every step of the way, especially during our recent mobilizations. You have participated in the send offs and welcome home ceremonies for our soldiers and airmen. You have visited our injured soldiers in hospitals. Also, you have been there to offer your deepest sympathy to our families who have lost loved ones during this war on terror! Governor Vilsack always makes that first and most difficult call. We thank you for your caring leadership and strong support.

I am very honored to be with such a distinguished audience today and present a brief update on your Iowa National Guard. My update will include comments on:

- Our continued mobilization for the Global War on Terror.
- My recent trip to Afghanistan, to include the introduction of two special young Americans and defenders of freedom who have joined us in the chamber today, and our family readiness and support program that are invaluable to our soldiers and airmen as we execute the war on terror.

Our involvement in the Global War on Terror continues. Today, we have approximately 1,600 soldiers / airmen deployed around the world for Operation Iraqi Freedom (850), Operation Enduring Freedom (750), (100 preparing for overseas mission). There are currently very few Iowa airmen deployed, but that will change this summer when the 132nd Fighter Wing deploys to Al Udeid Air Base, Qatar, for the 7th deployment in 8 years to the Middle East (400 expected to deploy). The 185th Aerial Refueling Wing continues to fly ongoing missions for the War on Terror.

This is approximately 17% of our available force and much better than 50%-80% of our force deployed in the past two years. These percentages ranked us at number one in the nation many different times.

Since the events of September 11, 2001 approximately 7,500 soldiers and airmen have been on duty for the Global War on Terrorism (nearly 80% of force). Of this 7,500, 6,612 soldiers and airmen have been mobilized and deployed for the war on terror. These are unprecedented taskings for sure! As a matter of fact, the number of soldiers and airmen involved in the Global War on Terrorism since September 11, 2001 exceeds the number of soldiers mobilized during World War II (6,800).

We are experiencing the highest tasking levels ever, and it will be recorded as a very significant period of time in the history of the Iowa Guard. The active duty continues to ask for Iowa units! Why does Active Duty continue to ask for Iowa units? Simply put: Because Iowa is one of the most combat ready states in the nation. We have relevant units and relevant missions. We have combat ready units. We have high strength levels (100% strength). And – we have the quality of young men and women that get the job done!

The challenge we now have is one of regaining our readiness and reconstituting our equipment. We have left some equipment in Iraq/Afghanistan. Replacement and repair of that equipment is paramount. We must maintain our strength. (100% strength is a must!)

We must improve on lessons learned from recent mobilizations and continue working with senior leadership to implement necessary changes and improvements to streamline future deployments. We are continuously preparing for follow-on rotations as required. We need predictability in this area for our members and their families and employers who have been so supportive. We understand this is a long and protracted war on terror and we will be involved for sometime to come.

I must add – we are very proud of still being at 100% strength. The Iowa Guard was recognized in January as being number one in nation for recruiting production. (We realize this is a down market nationally – but we are number one in a down market). We now have the largest number of students signed up for the National Guard Tuition Assistance Program ever! This is a true testimony to the value of this program for Iowa Guard and the State of Iowa.

We are currently 5th in the nation for retention. As we retain 85% plus of members every year (ANG 94% last year). A commitment to the Iowa Guard is a commitment to Iowa. We thank you for the strong support of this program.

I just recently experienced a highlight of my entire military career (which I have not fully realized). I had the opportunity to visit the Iowa soldiers of Task Force 168 in Afghanistan, just before the holidays.

Task Force 168 is approximately 750 Iowa soldiers and is the largest number of soldiers deployed in any one unit of Task Force since World War II. In addition, this is the first time the 168th Infantry Battalion from Southwest Iowa has been deployed since World War II.

I visited Major General Olson, the 25th Infantry Division Commander, at Bagram Air Field in Afghanistan and he was quick to compliment the Iowa Soldiers. He stated that Task Force 168 is performing their mission in an outstanding manner and I am very proud of your soldiers. We are also very proud of our soldiers of Task Force 168.

They are located in 13 Provincial Reconstruction Team Sites (Called PRT'S) throughout Afghanistan and providing security for reconstruction efforts, re-supplying fire bases close to Pakistan and Iran, and working with Afghan people in their communities.

It is hard to explain what I saw – you have to be on the ground and see it first hand. New schools are being built (34 at the Gardez PRT). Women and children fill the streets, and women are attending school for the first time. We now have programs for shoes and clothing for women and children and are providing medical attention to Afghan people. Civil affairs assistance is provided on provincial government issues. New highways are being built and new wells are being dug, with various infrastructure projects are underway. It was an incredible sight to behold!

Interesting facts on Afghan people:

- They continue to maintain a defensive mentality. (They have been fighting for forty years.)
- Everything is built with walls around it – even the houses.
- Many children have open sores on their face and arms from no medical attention.
- No shoes for most everyone.
- 1 in 5 children dies before age of 5.
- Of Afghan detainees, only 10% can read or write.

The Afghan people have embraced this rebuilding of Afghanistan – they want democracy and they want to enjoy the freedoms we enjoy today. They want all Taliban, Al Qaeda, and remnants of the old Afghanistan military gone. How do we know this? – Their intelligence to Coalition Forces and now the Afghan National Army is precise and exact. They are attempting to take their country back! A ground-swell you could not turn back if you wanted.

The Afghan National Army was certified in January 05 (3 ½ years plus). The commanding General, Major General Muslim was captured by the Taliban. He estimates that they are 400 years behind the United States. He thanked us for the opportunity to come from darkness and see the light. They want to hunt down every last Taliban, Al Qaeda, and members of the old Afghanistan military. And I believe they will!

I visited Iowa soldiers at Provincial Reconstruction Team Sites all over Afghanistan. We flew in Blackhawk and Chinook helicopters with Apache helicopter escort and cover. I presented Combat Infantry Badges, Division Combat Patches, Purple Hearts and Adjutant General Medallions. We visited about the opportunity and the experience that these soldiers were having and the impact they will have on a new Afghanistan. They were all very proud of their accomplishments and recognize they were making a difference. Most importantly, I told the soldiers how proud we were of them and thanked them for the sacrifices they and their families are making. As well as their dedication to duty, their commitment to excellence, their willingness to serve. They truly are our “hometown heroes.”

One of the Provincial Reconstruction Team Sites I visited was in Sharan, Afghanistan, which is a few miles from the Pakistan border. It has special meaning to me. The PRT was renamed “Kearney Base” in honor of Specialist James Kearney, an Iowan from Emerson who died from wounds suffered in a convoy attack on 1 November 2004.

- Brief explanation of CONVOY attack
- Kill zone – first and last vehicles targeted
- Specialist Johnson and Sergeant Lukes were both injured in attack
- Actions taken by Specialist Johnson and Sergeant Ragland saved Ken Lukes’ life
- Lieutenant Vanderwater (the convoy commander) was submitted for a Silver Star for his actions taken. Lieutenant Vanderwater went back to rescue the Marine MP’s.

I visited Sergeant Ken Lukes at Walter Reed Medical Center in Washington, D.C. while I was en-route to Afghanistan. Again, I was so impressed with this unbreakable spirit our young men and women maintain today after all they have experienced. They remain so positive and anxious to return to their units (Sergeant Lukes was no exception).

I visited with Specialist Johnson at Specialist Kearney’s funeral and he had the same attitude. He was very positive and wanted to be back with his unit in Afghanistan. Everything is put into perspective after you visit these soldiers.

It causes me to pause and reflect how fortunate we are to have these quality young men and women in uniform today. They have altered their lives forever with injuries but yet remain so positive. It is an honor to meet the troops who have been wounded. It is so uplifting and inspiring to see their spirit, their drive to become rehabilitated, their love of country, and their continued support of the mission.

I delivered a personal letter from Governor Vilsack to Sergeant Lukes. He was very honored to receive a letter from the Governor, his Commander-in-Chief. I asked Sergeant Lukes what was his message to the soldiers at "Kearney Base"? He said to tell them I miss them. Tell them I wish I could be with them and that I am doing okay. I delivered that message Ken!

We talked about Specialist Kearney's funeral in Red Oak and the tremendous display of American spirit and patriotism in Red Oak and Emerson. Ken -- they send a message back to you. They all miss you and wish you the best of luck in your rehab.

YOU ARE AN INSPIRATION TO US ALL!

Allow me to introduce to you "heroes from the battlefield." They represent bravery, heroism, and valor above and beyond the call of duty. Both soldiers have received Purple Hearts and Bronze Stars. They are great Americans, patriots for sure! -- Sergeant Ken Lukes from Protivin and Specialist Michael Johnson from Red Oak.

Ladies and gentlemen: Our families are our greatest treasure. I always say, take every opportunity to tell your family how much they mean to you (we sometimes have a tendency to take them for granted). This is a main theme in my philosophy of command.

Our guard family is the heart and soul of the Iowa Guard.

Our family readiness / support program is recognized as a top program in the nation, and Cathy Luther, the State Coordinator of our Family Readiness Group, her staff and volunteers, do an outstanding job in executing this program.

Recently, the Family Readiness Group from Company A 1-168 Infantry was awarded the 2004 Reserve Family Readiness Award. This is a very prestigious award that is given to only one unit from each reserve component across the nation (1 of 6 total awardees). Members of this group traveled to Washington D.C. over this past weekend to receive the award in a ceremony. This is an example of the quality family support program that I refer to.

They and our guard families are working family issues. They are serving their state and nation and they are making sacrifices. They are providing strong support for their deployed loved ones (15, 16, and 18 month separations are a considerable period of time). Yes, they are providing comfort and support to families who have soldiers who have been injured and even died as a result of injuries in the Global War on Terrorism! They truly are our "heroes on the home front." This is proof you don't have to wear a uniform today to be a hero.

Today our Enduring Family Program is helping our returning soldiers and airmen with their transition back into everyday family life and the transition back to a full-time civilian job. Due to the length of deployment (up to 18 months -- some even extended for a second year), the numbers of deaths, injuries, and close calls our soldiers have experienced, as well as anxieties our families were going through at home, we realized that we needed help from many different areas. Specialists that have assisted our families are from:

Iowa Network of Critical Incident Stress Management teams
National Association of Social Workers
American Red Cross
Iowa Attorney General's Crisis Response Team
Iowa Association for Marriage and Family Therapists
Iowa Psychological Association
Iowa Mental Health Counselors Association
Iowa Legal Aid
Army Community Service, Rock Island, Illinois
United Way of Iowa

We thank all agencies and specialists for their expertise and assistance to our families and returning soldiers and airmen. The Enduring Family Program truly has been an Iowa Effort!

Many of you have joined us on sendoffs and welcome home events as we do the best we can in recognizing our soldiers and airmen for their service to their country. We are doing everything we can to make this transition as seamless as possible.

Ladies and gentlemen. The members of the family support group, our Enduring Family Program, and our guard family have joined us in the chamber today. Please stand and allow us to recognize you and say thanks for all you do for our men and women in uniform.

As I close my remarks today, we pause to pay tribute and recognize the service of our fallen heroes. These losses have touched Iowa in a deep and profound way. Thirty young men in uniform have made the ultimate sacrifice with their lives while defending or preparing to defend this country from the evils of terror.

It is a sad day when we lose a member of the Armed Forces, especially when that person is an Iowan or whose family is an Iowa family.

We pay a special tribute today to the families of the 30 young men who have given their lives in defense of freedom. These families' lives are forever changed by the death of their loved ones. The void left in their hearts by their loss must at times seem impossible to fill.

My profound hope is that they sense the love and support of so many and they realize our eternal gratitude for the price they have paid. Be assured they are not alone in their loss. They now share a common bond with other families and with all members of our military family. The sacrifice they have made will never be forgotten!

Ladies and gentlemen. It was an honor being with you today. Thank you for your support of the men and women in uniform. God bless you and your families. Thank you!

SPECIAL PRESENTATION

Tymeson of Madison, Heddens of Story and Schickel of Cerro Gordo introduced to the joint convention Tracy Andrele from Beta

Sigma Phi Sorority whom spoke briefly and introduced fellow volunteers and the artist David Rottinghaus whom also addressed the joint convention describing the theme of his painting "Honoring Iowa's Hero's" and presented it to Governor Vilsack to be displayed at the Capitol.

The Joint Convention rose and expressed their appreciation.

Major General Dardis was escorted from the House chamber by the committee previously appointed.

Governor Thomas J. Vilsack was escorted from the House chamber by the committee previously appointed.

On motion by Gipp of Winneshiek, the joint convention was dissolved at 2:05 p.m.

The House resumed session at 2:12 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 364, by Ford, a bill for an act relating to the allocation of a portion of the moneys appropriated to the department of economic development from the grow Iowa values fund for purposes of businesses owned, operated, and managed by minorities and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 365, by Paulsen, a bill for an act relating to eligibility of certain members of the reserve forces of the United States and the Iowa national guard for the military service tax credit and exemption and providing an effective date.

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

House File 366, by Ford, a bill for an act relating to the establishment of a lead-safe housing registry, including provisions related to property owner, managing agent, or employee liability, and providing a penalty.

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

House File 367, by Wendt and Oldson, a bill for an act relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

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

House File 368, by McCarthy, J.R. Van Fossen, Hutter and Pettengill, a bill for an act relating to public safety provisions involving the health of children.

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

SENATE MESSAGES CONSIDERED

Senate File 98, by committee on local government, a bill for an act relating to county recorders and vital statistics record fees, and providing an effective date.

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

Senate File 113, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 21, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 7, authorizing a joint convention of the two houses of the 2005 session of the Eighty-First General Assembly be held on Monday, February 21, 2005, at 1:00 p.m., at which time Major General Ron Dardis will deliver his Condition of the Iowa National Guard.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 350 REREFERRED

The Speaker announced that House File 350, previously referred to committee on **transportation** was rereferred to committee on **judiciary**.

HOUSE FILE 353 REREFERRED

The Speaker announced that House File 353, previously referred to committee on **human resources** was rereferred to committee on **commerce, regulation and labor**.

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

- | | |
|----------|---|
| 2005\474 | Mrs. Alice Foley, Colo – For celebrating her 95 th birthday. |
| 2005\475 | Mrs. Millie Lange, Ames – For celebrating her 80 th birthday. |
| 2005\476 | Gene Adams, Monticello – For celebrating his 80 th birthday. |
| 2005\477 | John and Beulah Beadle, Williamson – For celebrating their 65 th wedding anniversary. |
| 2005\478 | Marvin and Laurel Nielsen, Irwin – For celebrating their 50 th wedding anniversary. |
| 2005\479 | Celia Duncan, Davenport – For celebrating her 90 th birthday. |
| 2005\480 | Mr. and Mrs. Charles Rubley, Davenport – For celebrating their 50 th wedding anniversary. |
| 2005\481 | Vernon and Chalea Knobloch, Alford – For being named 2005 Lyon County Master Pork Producers by the Iowa Pork Producers Association. |
| 2005\482 | Don Bartholomew, Sidney – For his courageous assistance in law enforcement and his heroic lifesaving attempt. |
| 2005\483 | Bernice Van Otterloo, Sioux Center – For celebrating her 90 th birthday. |

- 2005\484 Sue Kooima, Rock Valley – For celebrating her 95th birthday.
- 2005\485 Clarence and Jean Hiedebrink, Hull – For celebrating their 64th wedding anniversary.
- 2005\486 Gerald and Joan Costello, West Liberty – For celebrating their 50th wedding anniversary.
- 2005\487 Freeman and Ruby Kaufmann, Wilton – For celebrating their 60th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 264

Economic Growth: Schickel, Chair; Dandekar and Soderberg.

House File 328

Agriculture: Greiner, Chair; Kaufmann and Thomas.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 169

Economic Growth: Struyk, Chair; Dandekar, D. Olson, S. Olson and Schickel.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 190 Agriculture

Restricting the sale of ammonium nitrate by fertilizer dealers.

H.S.B. 191 State Government

Relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

H.S.B. 192 State Government

Relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, peace officer status for national guard

personnel performing certain missions, and the use of the national incident management system for state emergencies.

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 AGRICULTURE

Committee Bill (Formerly House File 137), relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House Study Bill 83), allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 129), relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 132), relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 159), relating to the duties imposed on a real estate broker by a brokerage agreement.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

COMMITTEE ON STATE GOVERNMENT

House File 131, a bill for an act relating to the required education and training for dental assistants.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

House File 196, a bill for an act providing for the establishment of a hepatitis C awareness program.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

Committee Bill (Formerly House File 91), providing for the compensation of a county commission of veteran affairs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 59), relating to meetings of governmental bodies.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

RESOLUTION FILED

HR 12, by Murphy, Jochum, Zirkelbach, Schueller and Lukan, a resolution congratulating Dubuque Main Street Limited.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 2:14 p.m., until 8:45 a.m., Tuesday, February 22, 2005.

JOURNAL OF THE HOUSE

Forty-fourth Calendar Day - Thirtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 22, 2005

The House met pursuant to adjournment at 8:52 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 Rich Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 21, 2005 was approved.

INTRODUCTION OF BILLS

House File 369, by committee on economic growth, a bill for an act relating to small business development centers and making an appropriation.

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

House File 370, by committee on commerce, regulation and labor, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

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

House File 371, by committee on commerce, regulation and labor, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

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

House File 372, by committee on state government, a bill for an act relating to meetings of governmental bodies.

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

House File 373, by committee on commerce, regulation and labor, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

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

House File 374, by committee on state government, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

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

House File 375, by committee on commerce, regulation and labor, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

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

House File 376, by Lukan, a bill for an act relating to the limitations regarding family planning grant funds and recipients of such funds.

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

House File 377, by Eichhorn, a bill for an act restricting sales of Iowa prison industries products to Iowans.

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

House File 378, by Alons, a bill for an act exempting establishments which prepare products derived from livestock or poultry from inspection requirements when the establishments

donate the products to charitable organizations, and making penalties applicable.

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

House File 379, by Foege, a bill for an act relating to the assessment of a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

House File 380, by Lukan, a bill for an act relating to establishing the unborn child pain awareness and prevention Act and providing penalties.

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

House File 381, by De Boef, a bill for an act providing for the inclusion of leasing a building as an authorized use of physical plant and equipment levy revenue, and including an applicability provision.

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

House File 382, by Foege, a bill for an act requiring school districts to adopt and annually review policies prohibiting bullying and harassment.

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

House File 383, by Reichert, a bill for an act relating to the sale of wild turkey bones and providing penalties.

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

SPECIAL PRESENTATION

Raecker of Polk introduced to the House the former Lieutenant Governor Bob Anderson.

The House rose and expressed its welcome.

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

- 2005\488 Letty Reisetter, Radcliffe – For celebrating her 80th birthday.
- 2005\489 Mr. and Mrs. Claude Vokoun, LeGrand – For celebrating their 60th wedding anniversary.
- 2005\490 Margaret Vander Wilt, Orange City – For celebrating her 100th birthday.
- 2005\491 Dorothy Draayer, Orange City – For celebrating her 80th birthday.
- 2005\492 Colleen Foster, Mason City – For celebrating her 80th birthday.
- 2005\493 Elmer Fritz, Mason City – For celebrating his 90th birthday.
- 2005\494 Arthur and Vivian Carberry, Mason City – For celebrating their 60th wedding anniversary.
- 2005\495 Arlene Foutch, Mason City – For celebrating her 80th birthday.
- 2005\496 Arlene Seehawer, Mason City – For celebrating her 80th birthday.
- 2005\497 Morgan Kemper, Central Lee High School – For being selected for the Student Ambassador Program.
- 2005\498 Chris Carle, Central Lee High School – For being selected for the Student Ambassador Program.
- 2005\499 Hannah Pauly, Fort Madison High School – For being selected for the Student Ambassador Program.

SUBCOMMITTEE ASSIGNMENTS

House File 250

Transportation: Rayhons, Chair; Jones and Whitaker.

House File 255

Transportation: Jones, Chair; Lykam and Rasmussen.

House File 263

Transportation: Rasmussen, Chair; Cohoon and Jones.

House File 316

Education: Chambers, Chair; Kaufmann and Mascher.

House File 319

Education: Carroll, Chair; Dolecheck and Mascher.

House File 329

Transportation: Rayhons, Chair; Bukta and Rasmussen.

House File 331

Transportation: Rayhons, Chair; Bukta and Schickel.

House File 341

Local Government: Arnold, Chair; Huser and Rasmussen.

House File 347

Environmental Protection: Greiner, Chair; Heddens and S. Olson.

House File 354

Environmental Protection: De Boef, Chair; Horbach and Shoultz.

House File 359

Judiciary: Tymeson, Chair; Heaton and Lensing.

House File 361

Judiciary: Tymeson, Chair; Berry and Boal.

House File 362

Local Government: Watts, Chair; Boal and Pettengill.

House File 383

Natural Resources: Rasmussen, Chair; Reichert and Van Engelenhoven.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 180**

Environmental Protection: Watts, Chair; Anderson and Wessel-Kroeschell.

House Study Bill 187

Commerce, Regulation and Labor: Struyk, Chair; Horbach and T. Taylor.

House Study Bill 188

Commerce, Regulation and Labor: Sands, Chair; Kressig and Tomenga.

House Study Bill 189

Ways and Means: Kurtenbach, Chair; Reasoner and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 193 Human Resources**

Relating to mental health, mental retardation, developmental disabilities, and brain injury services and the services fund administered by counties by revising levy provisions applicable to that fund, providing for county administration of services on behalf of the state, and providing for development of assessment processes, and including an effective and applicability date.

H.S.B 194 Human Resources

Relating to governmental services involving audit reports and the family investment program.

H.S.B. 195 Judiciary

Limiting the liability of manufacturers, distributors, and sellers of food or nonalcoholic beverages.

H.S.B. 196 Judiciary

Relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

H.S.B. 197 Judiciary

Relating to administrative modification of a child support order.

H.S.B. 198 Judiciary

Relating to the appointment of a judicial officer, a clerk of the district court, or a chief juvenile court officer.

H.S.B. 199 Judiciary

Relating to workers' compensation insurance coverage information.

H.S.B. 200 Judiciary

Creating an alternative dispute resolution process in residential construction defect cases and providing a penalty.

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 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 74, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1030** February 17, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 185), relating to small business development centers and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 2005.

Pursuant to Rule 31.7, House File 369 was referred to the committee on appropriations.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House File 129), relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2005.

Committee Bill (Formerly House File 146), adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 170), relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 180), relating to free resident landowner deer and turkey hunting licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 25), 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** February 21, 2005.

RESOLUTION FILED

HR 13, by Ford, a resolution relating to support of increased funding for research and public health programs.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1030	S.F.	74	Committee on Commerce, Regulation and Labor
H—1031	S.F.	74	Sands of Louisa

On motion by Gipp of Winneshiek the House adjourned at 9:02 a.m., until 8:45 a.m., Wednesday, February 23, 2005.

JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, February 23, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Howland, pastor of the First Presbyterian Church of Winterset. He was the guest of Representative Jodi Tymeson from Madison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 22, 2005 was approved.

INTRODUCTION OF BILLS

House File 384, by Ford, a bill for an act making an appropriation to the college student aid commission for the registered nurse recruitment program.

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

House File 385, by Hogg, Petersen and Foege, a bill for an act relating to improvement of the early care, child care services, education, health, and human services systems under the oversight of the departments of education and human services, the Iowa empowerment board, and the child development coordinating council; creating a children's cabinet in the executive branch; making appropriations for the fiscal year beginning July 1, 2004, and providing an effective date.

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

House File 386, by Ford, a bill for an act relating to fair market drug pricing including the establishment of a prescription drug card program.

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

House File 387, by committee on agriculture, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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

House File 388, by Ford, a bill for an act relating to health care access and providing appropriations.

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

House File 389, by Ford, a bill for an act relating to small employer voluntary health care purchasing pools.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 390, by Kaufmann, a bill for an act providing for an increase in the amount of supplementary weighting applicable to limited English proficient students, and providing an effective date.

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

House File 391, by T. Taylor, a bill for an act establishing requirements for persons contracting to provide services to the state.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 392, by Ford, a bill for an act increasing civil and criminal penalties for violations of water quality laws.

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

House File 393, by Murphy, Jochum, Miller, Zirkelbach, Thomas and Schueller, a bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations.

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

House File 394, by Ford, a bill for an act making an appropriation to the department of education for distribution to community colleges for the development of adult English language learner instruction programs to be offered in employee workplaces.

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

House File 395, by Ford, a bill for an act relating to the establishment of a task force to develop a prescription drug purchasing cooperative.

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

House File 396, by Ford, a bill for an act relating to policies establishing an additional classification for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

House File 397, by Ford, a bill for an act requiring participation in mediation in certain proceedings related to child custody.

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

House File 398, by committee on education, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

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

House File 399, by committee on environmental protection, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

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

House File 400, 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 calendar**.

House File 401, by Winckler, Mascher, Wendt, Oldson, Lensing, Foege and Wessel-Kroeschell, a bill for an act relating to teacher and administrator quality, including the student achievement and teacher quality program, school social workers' participation in the program, a new teacher development academy and new teacher fellows, and a new administrator quality program, and making appropriations.

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

House File 402, by T. Taylor, a bill for an act relating to salaries of certain county deputy officers.

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

House File 403, by Jochum, a bill for an act exempting the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to a municipality for an urban renewal area and providing for the Act's applicability.

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

House File 404, by Dandekar, Foege, Heaton, Pettengill, Kressig, Soderberg, Schickel and Reichert, a bill for an act relating to copayments for prescription drugs under the medical assistance program.

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

House File 405, by S. Olson, a bill for an act relating to the use of special fire fighter registration plates by a surviving co-owner of a motor vehicle.

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

House File 406, by Chambers, a bill for an act requiring school districts to publicize higher educational opportunities available to students enrolled in the school district.

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

House File 407, by Struyk, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 408, by Kurtenbach and Struyk, a bill for an act relating to property assessment for purposes of property taxation, including property assessment guidelines and creation of a property assessment appeal board to hear appeals of the actions of local boards or review.

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

House File 409, by Boal, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, establishment of a research triangle and clearinghouse, and allowing for the use of physical plant and equipment levy revenues for education technology.

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

House File 410, by Kurtenbach, Huser, Petersen, Tjepkes, S. Olson, Jones, Drake, Schickel, Maddox, Horbach, Jacoby, De Boef, Lukan, Dandekar, Jacobs, Pettengill, Granzow, Struyk, Anderson, Soderberg, Heaton and Berry, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

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

On motion by Jacobs of Polk, the House was recessed at 9:00 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:34 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILLS

House File 411, by Kurtenbach, Roberts, Lykam, Shomshor, Davitt, Wilderdyke, Kaufmann, Rasmussen, Baudler, Watts, Quirk, Reasoner, Bell and R. Olson, a bill for an act relating to horse racing by providing minimum racing days and supplemental purses for registered Iowa-bred horses.

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

House File 412, by Mertz and Chambers, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing a fee, and making penalties applicable.

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

House File 413, by Dix, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 414, by Huser, Struyk and Baudler, a bill for an act relating to persons commercially cleaning private sewage disposal facilities by providing regulations, fees, and civil penalties, requiring cities to regulate the division of certain land outside city boundaries and accept certain septage from subdivisions approved by cities outside city boundaries, and making appropriations.

Read first time and referred to committee on **environmental protection**.

House File 415, by Raecker, a bill for an act creating a department of tourism.

Read first time and referred to committee on **economic growth**.

House File 416, by Lukan, a bill for an act providing for special senior crossbow deer hunting licenses.

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

House File 417, by T. Taylor, a bill for an act prohibiting a state agency from awarding state contracts or assistance to persons performing work outside the United States and providing for related matters.

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

House File 418, by committee on human resources, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

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

House File 419, by committee on natural resources, a bill for an act relating to free resident landowner deer and turkey hunting licenses.

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

House File 420, by committee on human resources, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

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

House File 421, by Heddens and Wessel-Kroeschell, a bill for an act relating to the purposes for which physical plant and equipment levy revenue may be utilized, and including an applicability provision.

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

House File 422, by Van Engelenhoven, a bill for an act creating the Iowa high-cost mortgage Act.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 423, by committee on education, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

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

House File 424, by Alons, Chambers, Tymeson, Zirkelbach, Jacobs, Wilderdyke, Baudler and Tjepkes, a bill for an act extending the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

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

House File 425, by Wise, Bukta, Cohoon, Greiner, Miller, Reichert, Shomshor and Struyk, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Read first time and referred to committee on **economic growth.**

House File 426, by T. Taylor, Berry, Cohoon, Pettengill, Whitead, Lykam, Mertz, Hunter, Wessel-Kroeschell, D. Taylor, Murphy, Bukta, Whitaker, Heddens, Winckler, Zirkelbach, Schueller, Smith, Shoultz, Mascher, Foege, Davitt and Jochum, a bill for an act relating to information required to be provided and published relative to health care benefits provided through public funds or which are uncompensated and providing an effective date.

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

House File 427, by Swaim, a bill for an act providing for the establishment of certain fees relating to nonprofit corporations.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 428, by Alons, Kaufmann, Watts, Lukan, Kurtenbach, Tomenga, Lalk, Soderberg, Eichhorn, Jacobs, Upmeyer, Struyk and Huseman, a bill for an act relating to the deduction of the capital gain from the sale of capital investments made in or by certain businesses and including an applicability date provision.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Whitaker of Van Buren.

CONSIDERATION OF BILLS Regular Calendar

House File 141, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, with report of committee recommending passage, was taken up for consideration.

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

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

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins

Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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

Speaker pro tempore Carroll in the chair at 3:46 p.m.

House File 173, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties, was taken up for consideration.

Tjepkes of Webster offered the following amendment H-1027 filed by him and moved its adoption:

H-1027

- 1 Amend House File 173 as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "illegally procured" and inserting the following:
- 4 "procured during the commission of an act which is
- 5 punishable as a felony,".
- 6 2. Page 1, line 22, by striking the word
- 7 "unlawful" and inserting the following: "punishable
- 8 as a felony".
- 9 3. Page 1, line 23, by striking the word
- 10 "includes" and inserting the following: "may
- 11 include".

Amendment H-1027 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. 173)

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdryke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 7:

Fallon	Hunter	Lensing	Mascher
Shoultz	Taylor, T.	Wessel-Kroeschell	

Absent or not voting, 1:

Jochum

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

Ways and Means Calendar

House File 187, a bill for an act relating to the utility replacement tax task force, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1026 filed by him and moved its adoption:

H-1026

- 1 Amend House File 187 as follows:
- 2 1. Page 1, line 26, by striking the figure "2008"
- 3 and inserting the following: "2007".

Amendment H-1026 was adopted.

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

On the question "Shall the bill pass?" (H.F. 187)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell

Whitaker
Wise

Whitead
Zirkelbach

Wilderdyke
Carroll,
Presiding

Winckler

The nays were, none.

Absent or not voting, 1:

Jochum

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

Regular Calendar

House File 228, a bill for an act relating to the payment of restitution by a person convicted of a criminal offense, was taken up for consideration.

J.R. 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?" (H.F. 228)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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 141, 173, 187 and 228.**

House File 247, a bill for an act providing for negotiated rulemaking, 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?"(H.F. 247)

The ayes were, 72:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Lykam	Maddox
May	McCarthy	Mertz	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor

Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Wise	Zirkelbach	Carroll, Presiding

The nays were, 27:

Berry	Bukta	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hunter	Jacoby	Kressig	Kuhn
Lensing	Mascher	Miller	Murphy
Oldson	Olson, D.	Shoultz	Smith
Taylor, D.	Taylor, T.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	

Absent or not voting, 1:

Jochum

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 247** be immediately messaged to the Senate.

House File 275, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 275)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill

Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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

Ways and Means Calendar

House File 310, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes, was taken up for consideration.

Kaufmann 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. 310)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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 275 and 310.**

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello on request of Murphy of Dubuque.

House File 313, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date, was taken up for consideration.

Soderberg of Plymouth 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. 313)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

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

Regular Calendar

House File 332, a bill for an act allowing certain abstractors to request a mortgage release, was taken up for consideration.

Tomenga 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. 332)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foega
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were and none.

Absent or not voting and 3:

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

HOUSE FILE 101 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 101 from further consideration by the House.

House File 338, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

SENATE FILE 113 SUBSTITUTED FOR HOUSE FILE 338

Kaufmann of Cedar asked and received unanimous consent to substitute Senate File 113 for House File 338.

Senate File 113, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Kaufmann 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. 113)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Gaskill

Jochum

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 313, 332 and Senate File 113.**

House File 339, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable, was taken up for consideration.

McCarthy 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. 339)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

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

HOUSE FILE 338 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 338 from further consideration by the House.

House File 248, a bill for an act relating to the request for a regulatory analysis, 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?" (H.F. 248)

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Cohon
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R.	Watts	Wildurdyke	Wise -
Zirkelbach	Carroll, Presiding		

The nays were, 28:

Berry	Bukta	Davitt	Fallon
Foege	Ford	Frevert	Heddens
Hogg	Hunter	Huser	Jacoby
Kressig	Kuhn	Lensing	Mascher
Murphy	Oldson	Olson, D.	Shultz
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler

Absent or not voting, 2:

Gaskill	Jochum
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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 MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 248 and 339.**

SENATE MESSAGE CONSIDERED

Senate File 169, by committee on judiciary, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Read first time and referred to committee on **public safety.**

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

- 2005\501 Stany Piorkowski, Elkader – For celebrating his 94th birthday.
- 2005\502 Paula Mangels, Monona – For celebrating her 101st birthday.
- 2005\503 Grace Kuehl, Elkport – For celebrating her 96th birthday.
- 2005\504 Harry and Nancy Foley, Clinton – For celebrating their 50th wedding anniversary.
- 2005\505 Blanche Lee, Clinton – For celebrating her 95th birthday.
- 2005\506 Edna Dodge, Brandon – For celebrating her 90th birthday.
- 2005\507 Ellen Kremer, Jesup – For celebrating her 80th birthday.
- 2005\508 Andrew Kral, Gilbertville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\509 Patrick Schuster, Humboldt – For celebrating his 90th birthday.
- 2005\510 Ruth Dexter, Jesup – For celebrating her 90th birthday.
- 2005\511 Sally Hubbard, Casey – For celebrating her 80th birthday.
- 2005\512 Giff Covault, Guthrie Center – For celebrating his 85th birthday.
- 2005\513 Wilson Mikkelsen, Guthrie Center – For celebrating his 80th birthday.
- 2005\514 Fred Scarlett, Adair – For celebrating his 90th birthday.
- 2005\515 Harold and Jeanne Mobley, Panora – For celebrating their 60th wedding anniversary.
- 2005\516 Norma Merry, Primghar – For celebrating her 95th birthday.
- 2005\517 Arthur and Dorothy Petersen, Sheldon – For celebrating their 50th wedding anniversary.
- 2005\518 Erma Johnston, Libertyville – For celebrating her 89th birthday.
- 2005\519 Dale Lippincott, Brooklyn – For celebrating his 80th birthday.
- 2005\520 George and Kathleen McCallister, Williamsburg – For celebrating their 65th wedding anniversary.
- 2005\521 Mary Lee Runde, Keota – For celebrating her 80th birthday.
- 2005\522 Clarence and Ruby Mollenhauer, Amana – For celebrating their 50th wedding anniversary.

- 2005\523 Dean and Evelyn Van Tomme, Brooklyn – For celebrating their 50th wedding anniversary.
- 2005\524 Dorothy Lown, Sigourney – For celebrating her 80th birthday.
- 2005\525 Robert Slinker, Conrad – For celebrating his 80th birthday.
- 2005\526 Leonard and Dorothy Behounek, Chelsea – For celebrating their 70th wedding anniversary.
- 2005\527 Dick and Arlene Kern, Reinbeck – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 198

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

House File 320

Ways and Means: Boal, Chair; Carroll and McCarthy.

House File 336

Ways and Means: Eichhorn, Chair; Huser and Kurtenbach.

House File 337

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House File 349

Education: Granzow, Chair; Bukta and Roberts.

House File 350

Judiciary: Boal, Chair; Kaufmann and R. Olson.

House File 356

Education: Paulsen, Chair; Cohoon and Tomenga.

House File 360

Education: Chambers, Chair; Kaufmann and Wendt.

House File 365

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

House File 367

Education: Tymeson, Chair; Oldson and Raecker.

House File 377

Judiciary: Tymeson, Chair; Smith and J. R. Van Fossen.

House File 379

Judiciary: Heaton, Chair; Alons and Foege.

House File 381

Education: Soderberg, Chair; Ford and Roberts.

House File 382

Education: Tymeson, Chair; Foege and Raecker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 170**

Commerce, Regulation and Labor: Wilderdyke, Chair; Jenkins and D. Taylor.

House Study Bill 190

Agriculture: Rayhons, Chair; Davitt and Lalk.

House Study Bill 191

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 192

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 193

Human Resources: Carroll, Chair; Berry and Heaton.

House Study Bill 194

Human Resources: Carroll, Chair; Berry and Granzow.

House Study Bill 195

Judiciary: Eichhorn, Chair; Jochum and Kaufmann.

House Study Bill 196

Judiciary: Maddox, Chair; R. Olson and J.R. Van Fossen.

House Study Bill 197

Judiciary: Heaton, Chair; Boal and R. Olson.

House Study Bill 198

Judiciary: Maddox, Chair; Swaim and Tymeson.

House Study Bill 199

Judiciary: Eichhorn, Chair; Smith and Tymeson.

House Study Bill 200

Judiciary: Boal, Chair; Paulsen and Swaim.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 201 Education**

Relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

H.S.B. 202 Judiciary

Limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

H.S.B. 203 Education

Relating to early education program requirements and voluntary standards.

H.S.B. 204 Ways and Means

Creating a credit from withholding for certain businesses moving operations to Iowa and providing effective and retroactive applicability dates.

H.S.B. 205 Ways and Means

Providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

H.S.B. 206 Ways and Means

Relating to horse racing, including fees for breeders of certain native horses and minimum racing days and supplemental purses for registered Iowa-bred horses.

H.S.B. 207 Ways and Means

Providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

H.S.B. 208 Judiciary

Relating to an action to quiet title of real property and the doctrine of adverse possession.

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 ADMINISTRATION AND RULES

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2005.

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House File 92), relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

Committee Bill (Formerly House File 137), relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

Pursuant to Rule 31.7, House File 387 was referred to the committee on ways and means.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 99), concerning billing for anatomic pathology services and making licensing sanctions applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

Committee Bill (Formerly House Study Bill 117), relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 180), relating to free resident landowner deer and turkey hunting licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2005.

Committee Bill (Formerly House Study Bill 174), relating to the establishment of a special late season deer hunt and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2005.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 179), relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

COMMITTEE ON STATE GOVERNMENT

House File 85, a bill for an act eliminating the certified mail requirements concerning the service and delivery of certain civil rights complaints and orders.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

Committee Bill (Formerly House Study Bill 135), increasing the membership of the real estate commission.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

AMENDMENTS FILED

H—1032	S.C.R.	3	Committee on Administration and Rules
H—1033	H.F.	374	Greiner of Washington

On motion by Jacobs of Polk the House adjourned at 5:42 p.m., until 8:45 a.m., Thursday, February 24, 2005.

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 24, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Loren Strait, pastor of the Glen Echo Christian Church, Des Moines. He was the guest of Representative Janet Petersen from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 23, 2005 was approved.

INTRODUCTION OF BILLS

House File 429, by Whitaker and Swaim, a bill for an act relating to deer taken without a license by military personnel.

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

House File 430, by Frevert, a bill for an act relating to the reimbursement for dental services under the medical assistance program.

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

House File 431, by Foege and Heaton, a bill for an act relating to the creation of a consumer choice, support, and education program.

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

House File 432, by Swaim, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

Read first time and referred to committee on **public safety**.

House File 433, by Kressig, a bill for an act relating to city development, annexation, and regional planning authorities.

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

House File 434, by T. Taylor, a bill for an act providing that employees be paid based on comparable worth and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 435, by Paulsen and Mertz, a bill for an act providing for the regulation of commercial canine operations.

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

House File 436, by Baudler, McCarthy and J.R. Van Fossen, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

Read first time and referred to committee on **public safety**.

House File 437, by Paulsen, a bill for an act relating to reimbursement of costs for certain appeals of the action of the local board of review relating to property assessments.

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

House File 438, by committee on agriculture, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

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

House File 439, by committee on judiciary, a bill for an act providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 440, by committee on public safety, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

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

House File 441, by Mascher, a bill for an act relating to the temporary confinement of prisoners in the custody of the federal government or the department of corrections in a county jail.

Read first time and referred to committee on **public safety**.

House File 442, by Dandekar, Jacobs, Petersen, Upmeyer and Huser, a bill for an act establishing a sex offender registry database task force within the department of administrative services.

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

House File 443, by Mascher, a bill for an act relating to implementing a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

House File 444, by Huser, Lensing, Wessel-Kroeschell, Berry, Mascher, Winckler and Jochum, a bill for an act relating to a landlord's retaliatory actions against a tenant for summoning or receiving police or emergency assistance in response to a domestic abuse situation.

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

House File 445, by Mascher, a bill for an act relating to the state sales and use tax exemption for access to on-line computer services.

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

House File 446, by Elgin, a bill for an act relating to the road use tax fund by allowing counties to create a regional transportation board for secondary road improvements and providing for allocations from the fund.

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

House File 447, by Whitaker, a bill for an act relating to the development of nursing care plans in hospitals.

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

House File 448, by Mascher, a bill for an act relating to services available to women during pregnancy and postpartum.

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

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 24th day of February, 2005: House File 102.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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

- | | |
|----------|--|
| 2005\528 | Clara Hagge, Clinton – For celebrating her 100 th birthday. |
| 2005\529 | Kari Hoffman, Mason City – For her contribution to the 11 th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa. |

- 2005\530 Karl Longhort, Mason City – For his contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\531 Cassandra Miller, Mason City – For her contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\532 Katherine Ploking, Mason City – For her contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\533 Jeannine Rathbone, Tripoli – For celebrating her 80th birthday.
- 2005\534 Anastasia "Starr" Holder, Waucoma – For celebrating her 85th birthday.
- 2005\535 Cletus Mihm, St. Lucas – For celebrating his 85th birthday.
- 2005\536 Lula Buls, Frederika – For celebrating her 89th birthday.
- 2005\537 Alice Nauholz, Oelwein – For celebrating her 90th birthday.
- 2005\538 Alfred and Joan Gloede, Sumner – For celebrating their 50th wedding anniversary.
- 2005\539 Mr. and Mrs. Kenneth Asmussen, Glenwood – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 2

State Government: Drake, Chair; Bukta, Gaskill, Jones and Tomenga.

House File 326

State Government: Raecker, Chair; Roberts and Wendt.

House File 334

State Government: Elgin, Chair; Quirk and Upmeyer.

House File 342

Human Resources: Heaton, Chair; Carroll and Ford.

House File 353

Commerce, Regulation and Labor: Sands, Chair; Hoffman and Oldson.

House File 384

Education: Chambers, Chair; Ford and Granzow.

House File 385

Education: Chambers, Chair; Hogg and Tymeson.

House File 390

Education: Kaufmann, Chair; Boal and Foegel.

House File 394

Education: Chambers, Chair; Cohoon and Tomenga.

House File 396

Education: Tymeson, Chair; Ford and Tomenga.

House File 401

Education: Carroll, Chair; Tymeson and Winckler.

House File 406

Education: Chambers, Chair; Bukta and Paulsen.

House File 409

Education: Boal, Chair; Mascher and Roberts.

House File 416

Natural Resources: Lukan, Chair; Arnold and D. Taylor.

House File 421

Education: Dolecheck, Chair; Boal and Wendt.

Senate File 169

Public Safety: Baudler, Chair; Chambers, Lykam, McCarthy and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 201**

Education: Dolecheck, Chair; Soderberg and Winckler.

House Study Bill 202

Judiciary: Anderson, Chair; Boal and Swaim.

House Study Bill 203

Education: Tymeson, Chair; Chambers and Wendt.

House Study Bill 208

Judiciary: Tymeson, Chair; Maddox and Swaim.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 209 Judiciary**

Relating to the assessment of a civil penalty upon the entry of a deferred judgment.

H.S.B. 210 Commerce, Regulation and Labor

Relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

H.S.B. 211 Commerce, Regulation and Labor

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contract, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

H.S.B. 212 Commerce, Regulation and Labor

Relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreement and reporting, establishing and appropriating fees, and providing penalties.

H.S.B. 213 Economic Growth

Relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

H.S.B. 214 Human Resources

Relating to the regulation of pharmacy benefits management, and providing for injunctive and other civil relief.

H.S.B. 215 Human Resources

Requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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 AGRICULTURE

Committee Bill (Formerly House Study Bill 190), restricting the sale of ammonium nitrate by fertilizer dealers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House Study Bill 172), 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 general fund.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House Study Bill 97), relating to the suspension of a child support obligation.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly House Study Bill 103), relating to the Iowa commission on volunteer service.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly House Study Bill 105), relating to child support recovery and nullifying related administrative rules.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly House Study Bill 157), relating to the provisions of the elder Iowans Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 15), providing an exception to municipal tort liability for all-terrain vehicling.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly House Study Bill 16), providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2005.

Pursuant to Rule 31.7, House File 439 was referred to the committee on commerce, regulation and labor.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 195), relating to city waterworks franchises.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 80), increasing the speed limit for vehicular traffic on interstate highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 26), phasing out the state income tax on social security benefits and on pension and retirement income and providing a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2005.

Committee Bill (Formerly House Study Bill 19), 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.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 2005.

RESOLUTION FILED

HCR 8, by Granzow and Thomas, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 8:59 a.m., until 9:00 a.m., Friday, February 25, 2005.

JOURNAL OF THE HOUSE

Forty-seventh Calendar Day - Thirty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, February 25, 2005

The House met pursuant to adjournment at 9:06 a.m., Gipp of Winneshiek in the chair.

The Journal of Thursday, February 24, 2005 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 February 24, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 190, a bill for an act expanding the duties of the child death review team and making a penalty applicable.

Also: That the Senate has on February 24, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 216, a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

Also: That the Senate has on February 24, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 122, a bill for an act relating to cash prizes for raffles and providing an effective date.

Also: That the Senate has on February 24, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 139, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

Also: That the Senate has on February 24, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 175, a bill for an act relating to the names of business entities.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House Joint Resolution 3, by committee on ways and means, 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.

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

House File 449, by S. Olson, a bill for an act relating to certain bid threshold requirements for certain public works projects.

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

House File 450, by Upmeyer, a bill for an act relating to special minor's licenses for nonpublic school students.

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

House File 451, by Carroll, a bill for an act imposing a moratorium on the issuance of licenses for gambling games.

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

House File 452, by Frevert, a bill for an act relating to the local option sales and services tax for school infrastructure purposes and including an effective date.

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

House File 453, by Horbach, a bill for an act relating to trespassing, including the authority of the department of natural resources to suspend or revoke hunting, fishing, or trapping licenses for trespass violations, and providing penalties.

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

House File 454, by May, a bill for an act requiring the state board of education to adopt rules establishing criteria for the approval of requests submitted by school districts for early school start dates.

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

House File 455, by Raecker, a bill for an act relating to fees imposed for certified copies of death certificates.

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

House File 456, by Ford, a bill for an act providing for the establishment of a health care information technology and infrastructure advisory committee, and making an appropriation.

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

House File 457, by Shomshor, a bill for an act prohibiting certain gambling contests as bona fide contests.

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

House File 458, by Mertz and Sands, a bill for an act relating to drainage and levee districts, by providing for administrative assessments.

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

House File 459, by May, a bill for an act relating to a feasibility study regarding air transportation service in the state.

Read first time and referred to committee on **economic growth**.

House File 460, by Ford, a bill for an act relating to the sharing of application information for the school breakfast and lunch program to identify children for enrollment in certain health care programs.

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

House File 461, by committee on ways and means, a bill for an act phasing out the state income tax on social security benefits and on

pension and retirement income and including effective and applicability date provisions.

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

House File 462, by Drake, Thomas, Huseman, Swaim, Rayhons and Lalk, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products.

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

House File 463, by Rants, a bill for an act regulating the transmission of commercial electronic mail messages involving multiple messages, false routing information, false registration information, and unauthorized computer access, and providing remedies and penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 464, by Ford, a bill for an act making an appropriation for the acquired immune deficiency syndrome drug assistance program in the Iowa department of public health.

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

House File 465, by Rants, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 466, by committee on appropriations, a bill for an act 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 general fund.

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

House File 467, by committee on natural resources, a bill for an act relating to the establishment of a special late season deer hunt and making a penalty applicable.

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

House File 468, by Ford, a bill for an act relating to the expansion of the healthy and well kids in Iowa program to cover parents.

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

House File 469, by committee on state government, a bill for an act increasing the membership of the real estate commission.

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

House File 470, by Ford, a bill for an act relating to the allocation of a portion of the moneys appropriated to the department of economic development from the grow Iowa values fund for purposes of businesses owned, operated, and managed by women and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 471, by Ford, a bill for an act relating to an unfair or discriminatory practice under the civil rights law based upon the wearing apparel of a person.

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

House File 472, by Ford, a bill for an act relating to the creation of a consumer choice, support, and education program.

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

SENATE MESSAGE CONSIDERED

Senate File 139, by committee on commerce, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

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

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

Anatomical gifts annual donation and compliance report for 2004, pursuant to Chapter 1175, 2004 Iowa Acts.

Vital records modernization project update, pursuant to Chapter 1175, 2004 Iowa Acts.

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

- | | |
|----------|---|
| 2005\540 | Helen Burkgren, Hampton – For celebrating her 80 th birthday. |
| 2005\541 | Mary Sturges, Rockwell – For celebrating her 80 th birthday. |
| 2005\542 | Betty Engebretson, Sheffield – For celebrating her 85 th birthday. |
| 2005\543 | Delia Delger, Kanawha – For celebrating her 90 th birthday. |
| 2005\544 | Tom and Charlotte Treloar, Clear Lake – For celebrating their 50 th wedding anniversary. |
| 2005\545 | Dwayne and Viola Miller, Clear Lake – For celebrating their 60 th wedding anniversary. |

SUBCOMMITTEE ASSIGNMENTS**House File 415**

Economic Growth: Wilderdyke, Chair; Anderson and Thomas.

House File 425

Economic Growth: Wise, Chair; Reichert and Struyk.

House File 435

Agriculture: S. Olson, Chair; Kaufmann and Kuhn.

House File 436

Public Safety: Alons, Chair; Baudler and Bell.

House File 442

Human Resources: Hutter, Chair; Hunter and Tymeson.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 207**

Ways and Means: Upmeyer, Chair; Schueller and Tomenga.

House Study Bill 209

Judiciary: Boal, Chair; Kaufmann and R. Olson.

House Study Bill 210

Commerce, Regulation and Labor: Jacobs, Chair; Jenkins and Pettengill.

House Study Bill 213

Economic Growth: Granzow, Chair; Soderberg and Zirkelbach.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 216 State Government**

Providing a limitation upon the filing of a cause of action against a veterinary practitioner who provides care to neglected, abused, or tortured livestock or other animals.

H.S.B. 217 Human Resources

Providing for the creation of revolving funds, the establishment and appropriation of fees, and other specified changes relating to programs and activities under the purview of the Iowa department of public health.

H.S.B. 218 Transportation

Relating to the use of head lamps or daytime running lights on motor vehicles and making a penalty applicable.

On motion by Watts of Dallas the House adjourned at 9:11 a.m., until 1:00 p.m., Monday, February 28, 2005.

JOURNAL OF THE HOUSE

Fiftieth Calendar Day - Thirty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 28, 2005

The House met pursuant to adjournment at 1:08 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Elsa Lawry, pastor of the United Methodist Church, State Center. She was the guest of Representative Polly Granzow from Hardin County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Friday, February 25, 2005 was approved.

SENATE MESSAGE CONSIDERED

Senate File 122, by committee on state government, a bill for an act relating to cash prizes for raffles and providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mascher of Johnson and Winckler of Scott, on request of Heddens of Story.

On motion by Gipp of Winneshiek, the House was recessed at 1:14 p.m., until 3:45 p.m.

AFTERNOON SESSION

The House reconvened at 3:46 p.m., Speaker Rants in the chair.

The House stood at ease at 3:46 p.m., until the fall of the gavel.

The House resumed session at 4:56 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS Appropriations Calendar

Senate File 75, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 75)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdryke	Wise
Zirkelbach	Mr. Speaker Rants		

The nays were, none.

Absent or not voting, 2:

Mascher

Winckler

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 75** be immediately messaged to the Senate.

Regular Calendar

House File 420, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services, was taken up for consideration.

RULE 31.8 SUSPENDED

Wessel-Kroeschell of Story asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-1034.

Wessel-Kroeschell of Story offered the following amendment H-1034 filed by her from the floor and moved its adoption:

H-1034

- 1 Amend House File 420 as follows:
- 2 1. Page 2, by inserting after line 1, the
- 3 following:
- 4 "h. Eating disorders, including but not limited to
- 5 bulimia nervosa and anorexia nervosa."

Amendment H-1034 lost.

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. 420)

The ayes were, 74:

Anderson	Baudler	Bell	Berry
Boal	Bukta	Carrroll	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dolecheck	Elgin	Foegle	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Heaton	Heddens	Hoffman
Hogg	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Raecker
Rayhons	Reasoner	Reichert	Roberts
Schickel	Schueller	Shomshor	Smith
Soderberg	Struyk	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Fossen, J.R.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, 24:

Alons	Arnold	Dix	Drake
Eichhorn	Fallon	Greiner	Horbach
Hunter	Huser	Jochum	Kurtenbach
Lalk	Lensing	Murphy	Olson, S.
Paulsen	Rasmussen	Sands	Shultz
Swaim	Van Engelenhoven	Van Fossen, J.K.	Watts

Absent or not voting, 2:

Mascher Winckler

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 420** be immediately messaged to the Senate.

HOUSE STUDY BILL 217 REREFERRED

The Speaker announced that House Study Bill 217, previously referred to committee on **human resources** was rereferred to committee on **state government**.

EXPLANATION- OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 23, 2005. Had I been present, I would have voted "nay" on House File 248 and "aye" on House Files 313, 332, 339 and Senate File 113.

GASKILL of Wapello

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 24, 2005, he approved and transmitted to the Secretary of State the following bill:

House File 102, an Act relating to state income taxes by authorizing individuals, corporations, and financial institutions to elect to take the additional first-year depreciation allowance and the increased expensing allowance and to allow the additional first-year depreciation allowance and the increased expensing allowance which were deductible for a tax year for which a tax return was filed prior to a certain date to be deducted on the return filed for the subsequent tax year and including an effective date provision and a retroactive date provision.

SUBCOMMITTEE ASSIGNMENT

House File 462

Agriculture: Swaim, Chair; Lalk and Rayhons.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 219 Transportation

Relating to distribution of secondary and farm-to-market road funds.

AMENDMENTS FILED

H—1035	H.F.	467	Rayhons of Hancock
H—1036	H.F.	282	Reichert of Muscatine

On motion by Gipp of Winneshiek the House adjourned at 5:39 p.m., until 8:45 a.m., Tuesday, March 1, 2005.

JOURNAL OF THE HOUSE

Fifty-first Calendar Day - Thirty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 1, 2005

The House met pursuant to adjournment at 8:52 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Randy Widbin, pastor of the Christ Community Evangelical Free Church, Sioux Center. He was the guest of Representative Dwayne Alons from Sioux County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 28, 2005 was approved.

INTRODUCTION OF BILLS

House File 473, by De Boef, a bill for an act relating to suspension or revocation of motor vehicle registration for failure to maintain financial liability coverage.

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

House File 474, by Lensing, a bill for an act providing for the establishment of an office of suicide prevention within the Iowa department of public health, and making an appropriation.

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

House File 475, by Eichhorn, a bill for an act providing for the election of state board of regents members and providing an effective date.

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

House File 476, by committee on agriculture, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

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

House File 477, by committee on human resources, a bill for an act relating to child support recovery and nullifying related administrative rules.

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

House File 478, by committee on human resources, a bill for an act relating to the Iowa commission on volunteer service.

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

House File 479, by committee on judiciary, a bill for an act providing an exception to municipal tort liability for all-terrain vehicling.

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

House File 480, by committee on commerce, regulation and labor, a bill for an act relating to the definition of telecommunicator for purposes of telecommunicator training standards promulgated by the Iowa law enforcement academy.

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

House File 481, by Struyk, a bill for an act relating to permits for the construction or operation of open feedlots.

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

House File 482, by Kaufmann, a bill for an act relating to the issuance of free antlerless deer depredation permits to landowners and providing a penalty.

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

House File 483, by Sands, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

Read first time and referred to committee on **public safety**.

House File 484, by Hutter and Kaufmann, a bill for an act relating to surrender of motor vehicle registrations upon conviction for a second or subsequent offense of operating while intoxicated, issuance of special series motor vehicle registration plates, providing a fee and an appropriation, and providing penalties.

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

House File 485, by Drake, a bill for an act relating to county bonding, by specifying that bridges located on secondary roads are an essential county purpose for bonding and increasing the bond amounts that qualify for a certain procedure for general county purpose bond issuance.

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

House File 486, by Eichhorn, a bill for an act providing for the reporting of gifts, bequests, and grants received by state departments.

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

House File 487, by Wise, a bill for an act providing for a gradual increase in state funding for the instructional support program and incorporation of the program into the school finance formula, and providing an effective date.

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

House File 488, by Baudler, a bill for an act relating to penalties for certain motor vehicle violations resulting in injury or death.

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

House File 489, by Alons, Soderberg and Chambers, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

Read first time and referred to committee on **environmental protection**.

House File 490, by Mertz, a bill for an act relating to the keeping of farm deer.

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

House File 491, by Hogg, a bill for an act relating to modification of a child support order for parents engaged in active military service, and providing a standing appropriation.

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

House File 492, by Frevert, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision.

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

House File 493, by Hogg, a bill for an act relating to state subsidization of cost-sharing under the Medicare Part D prescription drug program, and providing a standing appropriation.

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

House File 494, by Shoultz, a bill for an act requiring the use of protective headgear for motorcycle passengers under sixteen years of age.

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

House File 495, by Whitaker, a bill for an act relating to reductions in the standing appropriations to reimburse local jurisdictions for certain property tax credits and including effective and applicability date provisions.

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

House File 496, by Lukan, a bill for an act to establish a study regarding the productivity of land used for and surrounding natural gas pipelines and hazardous liquid pipelines.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 497, by Wendt, a bill for an act relating to school finance by providing for an increase in the foundation property tax, an increase in the regular program and special education support services foundation bases, modifying related tax credits, and including effective dates and applicability provisions.

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

House File 498, by Hutter and Berry, a bill for an act prescribing the frequency of a guardian ad litem's visits to the residence of a child.

Read first time and referred to committee on **judiciary**

House File 499, by Hutter, a bill for an act relating to the use of motor vehicles by the division of the Iowa state patrol.

Read first time and referred to committee on **public safety**.

House File 500, by Swaim, a bill for an act relating to disclosures of wrongdoing by government employees.

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

House File 501, by Shoultz, a bill for an act prohibiting payday lending and providing for penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 502, by Smith, a bill for an act making an appropriation from the healthy Iowans tobacco trust to the Iowa department of public health for tobacco use prevention and control.

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

House File 503, by Hogg, a bill for an act prohibiting certain gifts from pharmaceutical marketers to persons authorized or licensed to prescribe, dispense, distribute, or purchase prescription drugs, and providing penalties.

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

House File 504, by Hutter, a bill for an act relating to permissible utilization of laser, pulsed light, and radio frequency devices, and providing a penalty.

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

House File 505, by committee on human resources, a bill for an act relating to the provisions of the elder Iowans Act.

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

ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

Gipp of Winneshiek called up for consideration **House Concurrent Resolution 4**, a concurrent resolution relating to Pioneer Lawmakers, and moved its adoption.

The motion prevailed and the resolution was adopted.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 5

Gipp of Winneshiek called up for consideration **House Concurrent Resolution 5**, a concurrent resolution relating to a biennial memorial session, and moved its adoption.

The motion prevailed and the resolution was adopted.

MEMORIAL COMMITTEE APPOINTED

Speaker Rants announced the appointment of the following members to serve on the memorial committee in accordance with House Concurrent Resolution 5. The Honorable Sandy Greiner, Chair; the Honorable Dwayne Alons, the Honorable Mary Mascher and the Honorable Dolores Mertz.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Gaskill of Wapello offered the following **House Memorial Resolution 1** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 1

Whereas, The Honorable Galen M. Davis, of Wapello County, Iowa, who was a member of the Seventy-eighth general assembly, passed away February 7, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Gaskill of Wapello, Whitaker of Van Buren and Arnold of Lucas.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Tjepkes of Webster offered the following **House Memorial Resolution 2** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 2

Whereas, The Honorable C. Raymond Fisher, of Greene County, Iowa, who was a member of the Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first, Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth general assemblies, passed away November 14, 2004; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Tjepkes of Webster, D. Olson of Boone and Watts of Dallas.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Dolecheck of Ringgold offered the following **House Memorial Resolution 3** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 3

Whereas, The Honorable L.W. Joe Gross, of Ringgold County, Iowa, who was a member of the Sixty-ninth, Sixty-ninth Extra, and Sixty-ninth Second Extra general assemblies, passed away August 2, 2004; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Dolecheck of Ringgold, Reasoner of Union and Anderson of Page.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Baudler of Adair offered the following **House Memorial Resolution 4** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 4

Whereas, The Honorable Kenneth A. Robinson, of Guthrie County, Iowa, who was a member of the Sixty-first general assembly, passed away April 30, 2004; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Baudler of Adair, Watts of Dallas and D. Olson of Boone.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

De Boef of Keokuk offered the following **House Memorial Resolution 5** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 5

Whereas, The Honorable George R. Swearingen, of Keokuk County, Iowa, who was a member of the Sixty-eighth, Sixty-ninth, Sixty-ninth Extra, Sixty-ninth Second Extra, Seventieth, Seventy-first, Seventy-second, Seventy-second Extra and Seventy-second Second Extra general assemblies, passed away February 3, 2005; *Now Therefore*,

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: De Boef of Keokuk, Carroll of Poweshiek and Whitaker of Van Buren.

ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Pettengill of Benton offered the following **House Memorial Resolution 6** and moved its adoption:

HOUSE MEMORIAL RESOLUTION 6

Whereas, The Honorable Russell L. Wyckoff, of Benton County, Iowa, who was a member of the Sixty-fourth, Sixty-fifth, Sixty-sixth, Sixty-seventh, and Sixty-seventh Extra general assemblies, passed away September 3, 2004; *Now Therefore,*

Be It Resolved By The House Of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee: Pettengill of Benton, Paulsen of Linn and Horbach of Tama.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolutions 4 and 5.**

HOUSE FILE 488 REREFERRED

The Speaker announced that House File 488, previously referred to committee on **transportation** was rereferred to committee on **judiciary.**

HOUSE FILE 496 REREFERRED

The Speaker announced that House File 496, previously referred to committee on **commerce, regulation and labor** was rereferred to committee on **agriculture**.

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 1st day of March, 2005: House File 197.

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:

Iowa State University Forestry students from Ames, Iowa, accompanied by Professor Lita Rule. By Kurtenbach of Story.

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

- | | |
|----------|---|
| 2005\546 | Margaret Cleveringa, Orange City – For celebrating her 85 th birthday. |
| 2005\547 | Margaret Conchola, Davenport – For celebrating her 85 th birthday. |
| 2005\548 | Mr. and Mrs. Allen Swanson, Davenport – For celebrating their 50 th wedding anniversary. |

- 2005\549 Richard Heath, Davenport – For celebrating his 80th birthday.
- 2005\550 Eric Davis, Waco – For receiving 1st place in the 130 lb. weight class in the Class 1-A Division of the 2005 State Wrestling Tournament.
- 2005\551 Donnabelle Rice, Iowa Falls – For celebrating her 80th birthday.
- 2005\552 Hazel Freeman, Iowa Falls – For celebrating her 80th birthday.
- 2005\553 Louise Granzow, Eldora – For celebrating her 90th birthday.
- 2005\554 Arlan and Delores Gunderson, Union – For celebrating their 55th wedding anniversary.
- 2005\555 Sterling and Arleen Lund, Jewell – For celebrating their 60th wedding anniversary.
- 2005\556 Franklin Layland, Exira – For celebrating his 80th birthday.
- 2005\557 Earl and Rachel Caviness, Orient – For celebrating their 53rd wedding anniversary.
- 2005\558 Lloyd and Nellie Harris, Greenfield – For celebrating their 74th wedding anniversary.
- 2005\559 Ed and Belva Peterson, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\560 Catherine M. O'Rourke, Bettendorf – For celebrating her 90th birthday.
- 2005\561 Sterling Anderson, Eagle Grove – For celebrating his 80th birthday.
- 2005\562 Webster City Rotary, Webster City – For recognizing the 100th birthday of the national/international Organization of the Rotary.
- 2005\563 Arthur and Marilyn Saveraid, Huxley – For celebrating their 50th wedding anniversary.
- 2005\564 Esther Wright, Story City – For celebrating her 97th birthday.
- 2005\565 Brad Lower, Burlington – For receiving 1st place in the 145 lb. weight class in the Class 3-A Division of the 2005 State Wrestling Tournament.
- 2005\566 Micah Keller, Mediapolis – For receiving 1st place in the 152 lb. weight class in the Class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\567 Margaret Walther, Denver – For celebrating her 85th birthday.
- 2005\568 Evelyn Moeller, Tripoli – For celebrating her 80th birthday.

- 2005\569 Art and Marilyn Larson, Sumner – For celebrating their 50th wedding anniversary.
- 2005\570 Robert and June Tangen, West Union – For celebrating their 50th wedding anniversary.
- 2005\571 Dean and Liz Deull, Shell Rock – For celebrating their 50th wedding anniversary.
- 2005\572 Delmar and Ellen Mollenbeck, Chapin – For celebrating their 50th wedding anniversary.
- 2005\573 Johnny and Esther Folkerds, Shell Rock – For celebrating their 50th wedding anniversary.
- 2005\574 Jim and Kay Stahl, Hampton – For celebrating their 50th wedding anniversary.
- 2005\575 Rock Falls – For celebrating its sesquicentennial.
- 2005\576 Dick and Pauline Nickerson, Clear Lake – For celebrating their 55th wedding anniversary.
- 2005\577 Eva Harman, Mason City – For celebrating her 107th birthday.
- 2005\578 Paul and Lois Morris, Mason City – For celebrating their 55th wedding anniversary.
- 2005\579 Mr. and Mrs. William Pamperin, Davenport – For celebrating their 55th wedding anniversary.
- 2005\580 Abby Viereck, West Lyon Math Team Member, Inwood – For winning 1st place at the MATH-COUNTS Chapter Competition.
- 2005\581 Jeremy Winter, West Lyon Math Team Member, Inwood – For winning 1st place at the MATH-COUNTS Chapter Competition.
- 2005\582 Andrew Metzger, West Lyon Math Team Member, Inwood – For winning 1st place at the MATH-COUNTS Chapter Competition.
- 2005\583 Brent Impecoven, West Lyon Math Team Member, Inwood – For winning 1st place at the MATH-COUNTS Chapter Competition.
- 2005\584 Lem and Marilyn Maurer, Hull – For winning 1st place in the Wedding Category for the second consecutive year at the Professional Photographer's of Iowa Folio Print Competition.
- 2005\585 Leo Grunder, Wilton – For celebrating his 90th birthday.
- 2005\586 Arlene Ruckdashel, Elgin – For celebrating her 80th birthday.
- 2005\587 Kathleen Rowe, McGregor – For celebrating her 89th birthday.

- 2005\588 Maria Piorowski, Elkader – For celebrating her 90th birthday.
- 2005\589 Judy Bennett, Elgin – For receiving the National Association of Conservation District Distinguished Service Award.
- 2005\590 Reynold and Dorothy Hedeman, Elkader – For celebrating their 67th wedding anniversary.
- 2005\591 Hannah Tesdall, Story City – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 1

Judiciary: Carroll, Chair; Alons and Berry.

House File 368

Education: Roberts, Chair; Carroll and Wendt.

House File 407

Commerce, Regulation and Labor: Struyk, Chair; Jacobs and Pettengill.

House File 413

Commerce, Regulation and Labor: Dix, Chair; Jacobs and Petersen.

House File 429

Natural Resources: Arnold, Chair; Frevert and Rasmussen.

House File 432

Public Safety: Eichhorn, Chair; R. Olson and Van Engelenhoven.

House File 433

Local Government: Rasmussen, Chair; Kressig and Watts.

House File 441

Public Safety: Baudler, Chair; Berry and Chambers.

House File 444

Judiciary: Tymeson, Chair; Boal and Swaim.

House File 451

State Government: Raecker, Chair; Gaskill and Hutter.

House File 452

Education: Paulsen, Chair; Cohoon and Soderberg.

House File 453

Natural Resources: J.R. Van Fossen, Chair; R. Olson and Tjepkes.

House File 454

Education: Kaufmann, Chair; Boal and Hogg.

House File 463

Commerce, Regulation and Labor: Dix, Chair; Jacobs and Petersen.

House File 465

Commerce, Regulation and Labor: Dix, Chair; Jacobs and Petersen.

House File 471

Judiciary: Tymeson, Chair; Kaufmann and Smith.

House File 475

Education: Dolecheck, Chair; Mascher and Tomenga.

House File 487

Education: Tymeson, Chair; Chambers and Wise.

House File 492

Education: Boal, Chair; Dolecheck and Winckler.

House File 497

Education: Paulsen, Chair; Carroll and Wendt.

Senate File 122

State Government: Raecker, Chair; Hutter and Wendt.

HOUSE STUDY SUBCOMMITTEE ASSIGNMENTS

House Study Bill 205

Ways and Means: Struyk, Chair; Jochum and Kurtenbach.

House Study Bill 206

Ways and Means: Drake, Chair; Kurtenbach and Shomshor.

House Study Bill 211

Commerce, Regulation and Labor: Hoffman, Chair; Shomshor and Tomenga.

House Study Bill 212

Commerce, Regulation and Labor: Tomenga, Chair; Hoffman and T. Taylor.

House Study Bill 214

Human Resources: Tomenga, Chair; Heddens and Kurtenbach.

House Study Bill 215

Human Resources: Lukan, Chair; Berry and Tymeson.

House Study Bill 216

State Government: Tomenga, Chair; Boal and Whitead.

House Study Bill 217

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 220 Education**

Relating to the establishment of state and school antiharassment or antibullying policies, providing data collection and reporting requirements, and providing for immunity and other related matters.

H.S.B. 221 Judiciary

Relating to the creation of drug courts.

H.S.B. 222 Judiciary

Relating to the calculation of certain weekly workers' compensation benefits.

H.S.B. 223 Human Resources

Relating to mental health, mental retardation, developmental disabilities, and brain injury services and the services fund administered by counties by revising levy provisions applicable to that fund and providing for county administration of services on behalf of the state, and including an effective and applicability date.

H.S.B. 224 Commerce, Regulation and Labor

Relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of the place of business of a dealer of new motor vehicles, and providing for payment of costs and providing an effective date.

H.S.B. 225 Human Resources

Relating to programs and functions under the purview of the Iowa department of public health and providing criminal penalties and civil remedies.

H.S.B. 226 Human Resources

Providing for the creation of an electrical drug database, establishing fees, providing penalties, and providing an effective date.

H.S.B. 227 Human Resources

Making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

H.S.B. 228 Education

Relating to the Iowa early intervention block grant program by changing the distribution method and reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

H.S.B. 229 Commerce, Regulation and Labor

Providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

H.S.B. 230 Commerce, Regulation and Labor

Repealing registration requirements for construction contractors and providing for related matters.

H.S.B. 231 Commerce, Regulation and Labor

Relating to access to dependent adult abuse information and unemployment compensation claims.

H.S.B. 232 Commerce, Regulation and Labor

Relating to the establishment of a critical care fund for the payment of certain medical malpractice claims and making an appropriation.

H.S.B. 233 Commerce, Regulation and Labor

Concerning public employee collective bargaining.

H.S.B. 234 Agriculture

Relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

H.S.B. 235 Agriculture

Relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

H.S.B. 236 Judiciary

Authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provision.

H.S.B. 237 Commerce, Regulation and Labor

Relating to certain unauthorized activity of insurers and insurance producers, and making penalties applicable.

H.S.B. 238 Commerce, Regulation and Labor

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

H.S.B. 239 Commerce, Regulation and Labor

Relating to the laws administered by the labor commissioner, and to penalties assessed for violation of those laws, including regulation of safety inspection of amusement rides, and providing an effective date.

H.S.B. 240 Judiciary

Relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

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 EDUCATION

Committee Bill (Formerly House File 212), directing the board of educational examiners to convene an educator licensing review working group.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2005.

Committee Bill (Formerly House Study Bill 121), relating to the nonpractitioner members of the board of educational examiners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 311), relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 2005.

RESOLUTION FILED

HR 14, by Lukan, a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of the regulation of interstate natural gas pipelines and hazardous liquid pipelines.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1037	H.F.	419	Thomas of Clayton
H—1038	H.F.	418	Tymeson of Madison
H—1039	H.F.	466	Hogg of Linn
H—1040	H.F.	466	Petersen of Polk
Oldson of Polk			R. Olson of Polk
Wise of Lee			D. Olson of Boone
Shomshor of Pottawattamie			Gaskill of Wapello
Frevert of Palo Alto			Schueller of Jackson
Miller of Webster			Kressig of Black Hawk
Zirkelbach of Jones			Wessel-Kroeschell of Story
Lensing of Johnson			Jochum of Dubuque
Swaim of Davis			Berry of Black Hawk
Mertz of Kossuth			Cohon of Des Moines
Hunter of Polk			Bell of Jasper
Kuhn of Floyd			Thomas of Clayton
Wendt of Woodbury			Pettengill of Benton
Dandekar of Linn			Bukta of Clinton
Whitaker of Van Buren			Jacoby of Johnson

Murphy of Dubuque			Heddens of Story
Ford of Polk			Fallon of Polk
McCarthy of Polk			Mascher of Johnson
Hogg of Linn			Lykam of Scott
Quirk of Chickasaw			Davitt of Warren
Reasoner of Union			D. Taylor of Linn
Shoultz of Black Hawk			Whitead of Woodbury
Reichert of Muscatine			Foege of Linn
H—1041	H.F.	466	Ford of Polk
H—1042	H.F.	466	Ford of Polk
H—1043	H.F.	312	Raecker of Polk
H—1044	H.F.	466	Ford of Polk

On motion by Gipp of Winneshiek the House adjourned at 9:08 a.m., until 8:45 a.m., Wednesday, March 2, 2005.

JOURNAL OF THE HOUSE

Fifty-second Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 2, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Chris Bozung, pastor of Cornerstone Church, Marion. He was the guest of Representative Swati Dandekar from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 1, 2005 was approved.

INTRODUCTION OF BILLS

House File 506, by committee on ways and means, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

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

House File 507, by Mertz, a bill for an act providing for the liability of a landowner who provides for drainage.

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

House File 508, by Mascher, a bill for an act relating to the licensure of clinical laboratories and imposing penalties.

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

House File 509, by Winckler, Lensing, Jochum, Wessel-Kroeschell, R. Olson and Berry, a bill for an act relating to the right to counsel in involuntary termination of parental rights proceedings, providing for appropriation of funds for indigent defense provided in

such proceedings, providing an effective date, and providing for retroactive applicability.

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

House File 510, by Elgin, a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving.

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

House File 511, by D. Olson, a bill for an act relating to colostrum research by Iowa state university of science and technology, making an appropriation, and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 512, by committee on local government, a bill for an act relating to city waterworks franchises.

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

House File 513, by committee on transportation, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and making an appropriation, and relating to court costs for simple misdemeanor offenses and providing a fee.

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

House File 514, by Mascher, a bill for an act authorizing the imposition of an income surtax by school districts for school infrastructure purposes.

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

House File 515, by Whitaker, a bill for an act relating to decategorization of child welfare funding project requirements involving authority over funding designated for a child welfare funding pool and providing an effective date.

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

House File 516, by Winckler, Lensing, Jochum, R. Olson, Berry and Wessel-Kroeschell, a bill for an act relating to fines payable for driving without financial liability coverage and providing penalties.

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

House File 517, by D. Olson, a bill for an act providing for the purchase of special service credit under the Iowa public employees' retirement system.

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

House File 518, by Mascher, a bill for an act relating to motor vehicle registration fees for certain motor trucks and making an appropriation.

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

House File 519, by Dandekar, Carroll, Huser, Hogg, Kurtenbach, Wise, Petersen and Struyk, a bill for an act relating to the state general fund expenditure limitation and making appropriations to repay certain funds, and providing effective and applicability dates.

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

House File 520, by D. Olson, a bill for an act relating to region and grant requirements for the comprehensive substance abuse treatment program administered by the Iowa department of public health.

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

House File 521, by May, a bill for an act requiring county commissions of veteran affairs to employ an executive director.

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

House File 522, by Mascher, a bill for an act relating to funding for state and local housing trust funds and making appropriations.

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

House File 523, by D. Olson, a bill for an act relating to application and eligibility requirements for the reimbursement of expenses associated with the permanent closure of aboveground petroleum storage tanks and providing effective and retroactive applicability dates.

Read first time and referred to committee on **environmental protection**.

House File 524, by Pettengill, Lukan, Soderberg, D. Olson, Wessel-Kroeschell and May, a bill for an act relating to litter control, increasing the fines for scheduled violations, and appropriating funds to counties and the keep Iowa beautiful fund.

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

House File 525, by Whitaker and Gaskill, a bill for an act relating to the establishment of the quail hunting season.

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

On motion by Jacobs of Polk, the House was recessed at 8:57 a.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:32 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 526, by committee on education, a bill for an act relating to educator licensing by requiring an annual review of administrative rules adopted by the board of educational examiners and directing the board of educational examiners to convene an educator licensing review working group.

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

House File 527, by Struyk, a bill for an act relating to the manner in which a vacancy on a school district board of directors is filled and including effective and applicability date provisions.

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

House File 528, by Jochum, Hogg, Wendt, Swaim, Gaskill, Frevert, Mertz, Reasoner, Quirk, Whitead, Petersen, McCarthy, Huser and Miller, a bill for an act allowing individual income tax credits for contributions made to certain school charitable organizations and including an applicability date provision.

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

House File 529, by committee on education, a bill for an act relating to the members of the board of educational examiners and the authority of the board regarding complaints.

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

House File 530, by Huser and Schickel, a bill for an act allowing merger of certain local law enforcement agencies to create a metropolitan police department and providing certain taxing authority for such a department.

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

House File 531, by committee on human resources, a bill for an act relating to the suspension of a child support obligation.

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

House File 532, by committee on state government, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

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

House File 533, by committee on economic growth, a bill for an act relating to criteria and incentives under the new capital investment program and including an applicability provision.

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

House File 534, by committee on local government, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

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

House File 535, by Davitt, a bill for an act extending the deadline for driver's license renewal for peace corps volunteers.

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

House File 536, by committee on government oversight, a bill for an act relating to dual governmental employment by executive branch officials and state employees.

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

House File 537, by committee on commerce, regulation and labor, a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

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

House File 538, by committee on human resources, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

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

House File 539, by committee on human resources, a bill for an act relating to the membership of the council with which the director of human services consults regarding the medical assistance program.

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

House File 540, by committee on commerce, regulation and labor, a bill for an act prohibiting consideration of certain traffic accidents

occurring in the line of duty during a certified law enforcement officer's employment in establishment of motor vehicle insurance rates.

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

The House stood at ease at 3:35 p.m., until the fall of the gavel.

The House resumed session at 4:46 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS Regular Calendar

House File 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date, was taken up for consideration.

Greiner of Washington offered the following amendment H-1033 filed by her and moved its adoption:

H-1033

- 1 Amend House File 374 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ **NEW SECTION.** 135.20 HEPATITIS C
- 5 AWARENESS PROGRAM – VETERANS – VACCINATIONS.
- 6 1. The department shall establish and administer a
- 7 hepatitis C awareness program. The goal of the
- 8 program shall be to distribute information to veterans
- 9 regarding the higher incidence of hepatitis C exposure
- 10 and infection among veterans, the dangers presented by
- 11 the disease, and contacts for additional information
- 12 and referrals. For purposes of this section,
- 13 "veteran" means an individual meeting the definition
- 14 contained in section 35.1.
- 15 2. The information to be distributed shall be
- 16 determined by the department by rule, in consultation
- 17 with the commission of veterans affairs. The
- 18 information shall, at a minimum, contain statements
- 19 indicating that:
- 20 a. The federal department of veterans affairs

21 estimates a hepatitis C infection rate in veterans
22 more than three times higher than for the general
23 population.
24 b. The infection rate for Vietnam veterans is
25 estimated to be even higher than for other veterans
26 groups.
27 c. The disease is caused by a bloodborne virus
28 readily transmitted during combat and combat-related
29 emergency medical treatment.
30 d. Many veterans currently carrying the virus were
31 infected prior to the development of medical screening
32 tests.
33 e. The hepatitis C virus often resolves into a
34 chronic infection without symptoms for ten to thirty
35 years before signs of resultant liver disease appear.
36 f. This unusually long latency period makes it
37 difficult to connect current symptoms with an
38 infection that may have actually been contracted
39 during military service decades ago.
40 The information shall also present treatment
41 options and shall specify a procedure to be followed
42 for veterans desiring a medical consultation for
43 screening and treatment purposes. The department
44 shall cooperate with the state commission of veterans
45 affairs regarding distribution of the information to
46 the veterans home, the county commissions of veteran
47 affairs, veterans hospitals, and other appropriate
48 points of distribution."
49 2. Page 2, by inserting after line 16 the
50 following:

Page 2

1 "Sec.____. VETERANS HEPATITIS C AWARENESS PROGRAM
2 REPORT. The Iowa department of public health shall
3 submit a report to the members of the general assembly
4 by January 1, 2007, regarding the development and
5 distribution of the information required by the
6 section of this Act enacting section 135.20 and any
7 resulting impact."
8 3. Title page, line 4, by inserting after the
9 word "veterans," the following: "establishing a
10 hepatitis C awareness program for veterans."
11 4. By renumbering as necessary.

Amendment H-1033 was adopted.

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

On the question "Shall the bill pass?" (H.F. 374)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sand
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

House File 276, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public, was taken up for consideration.

Schickel of Cerro Gordo 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. 276)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Mascher

Absent or not voting, none.

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

HOUSE FILE 82 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House File 82 from further consideration by the House.

House File 312, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, placement of campaign signs, and use of public resources, was taken up for consideration.

Raecker of Polk offered the following amendment H-1043 filed by him and moved its adoption:

H-1043

- 1 Amend House File 312 as follows:
 2 1. By striking page 6, line 32, through page 7,
 3 line 13.

Amendment H-1043 was adopted.

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment H-1045 filed by Fallon of Polk from the floor, was placed out of order.

Raecker 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. 312)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Foege

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

INTRODUCTION OF BILLS

House File 541, by Ford, a bill for an act relating to healthy student body requirements for school districts.

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

House File 542, by Drake, Mertz, De Boef and Greiner, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

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

House File 543, by Ford, a bill for an act relating to direct care workers, including the establishment of a direct care worker advisory council and expansion of the Iowa nurse aide registry, and providing an appropriation.

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

House File 544, by Paulsen, Elgin and Upmeyer, a bill for an act relating to dependent adults and the provision of protective services.

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

House File 545, by Ford, a bill for an act providing for distribution of gambling receipts from pari-mutuel racetracks and gambling boats for developmental activities within state-designated enterprise zones.

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

House File 546, by Wise, a bill for an act providing for the repeal of specified school finance-related levies, and providing effective dates.

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

House File 547, by Ford, an act requiring the state board of regents to periodically review and establish best practices, guidelines, and expectations relating to student-athlete academic excellence, conduct, and recruiting visits.

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

House File 548, by Zirkelbach, Murphy, Kressig, Lensing, Wise, Wessel-Kroeschell, Heddens, Whitaker, Bukta, Pettengill, Wendt, Thomas, Kuhn, Mertz, Berry, R. Olson, Jochum, Cohoon, Bell, Lykam, Whitead, Foege, T. Taylor, Hogg, Smith, Huser, Davitt and Gaskill, a bill for an act relating to the requirements for voting machines used in the state.

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

House File 549, by Struyk, Arnold and J.R. Van Fossen, a bill for an act allowing a nonresident person who possesses a valid out-of-state weapons permit to carry weapons in this state under reciprocity conditions.

Read first time and referred to committee on **public safety**.

House File 550, by Miller, a bill for an act creating a community infrastructure and transportation enhancement program and fund, making appropriations, and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 276, 312 and 374**.

House File 373, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability, was taken up for consideration.

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?" (H.F. 373)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

House File 375, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement, was taken up for consideration.

Soderberg of Plymouth 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. 375)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, none.

Absent or not voting, none.

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

Ways and Means Calendar

House File 400, 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, was taken up for consideration.

Tymeson of Madison 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. 400)

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Dandekar	Davitt	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Kaufmann	Kuhn	Kurtenbach
Lalk	Lukan	Maddox	May
Mertz	Murphy	Olson, R.	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Whitaker	Wilderdye
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, 30:

Berry	Bukta	Cohoon	Fallon
Ford	Frevert	Heddens	Hunter
Jacoby	Kressig	Lensing	Lykam
Mascher	McCarthy	Miller	Oldson
Olson, D.	Petersen	Pettengill	Reichert
Schueller	Shoultz	Smith	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitead
Winckler	Wise		

Absent or not voting, none.

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 373, 375 and 400.**

Appropriations Calendar

House File 466, a bill for an act 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 general fund, was taken up for consideration.

Ford of Polk asked and received unanimous consent that amendment H-1041 be deferred.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1039 filed by him on March 1, 2005.

Petersen of Polk offered amendment H-1040 filed by her as follows:

H-1040

- 1 Amend House File 466 as follows:
- 2 1. Page 5, by inserting after line 3, the
- 3 following:
- 4 "Sec. NEW SECTION. 307.42 DRIVER'S LICENSE
- 5 SERVICES FOR CITIES.
- 6 1. The department shall maintain a driver's
- 7 license issuance site within the corporate limits of a
- 8 city, which shall be open a minimum of five days per
- 9 week for the issuance and renewal of noncommercial
- 10 driver's licenses and permits, other than class M
- 11 driver's licenses, and nonoperator's identification
- 12 cards.
- 13 2. For purposes of this section, "city" means a
- 14 city with a population in excess of one hundred fifty
- 15 thousand according to the most recent federal
- 16 decennial census."
- 17 2. By renumbering as necessary.

Petersen of Polk offered the following amendment H-1046, to amendment H-1040, filed by her from the floor and moved its adoption:

H-1046

- 1 Amend the amendment, H-1040, to House File 466 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 ____ Page 2, by inserting after line 22, the
- 6 following:
- 7 "As a condition of this appropriation, the
- 8 department shall maintain a driver's."
- 9 2. Page 1, line 8, by inserting after the word
- 10 "city" the following: "with a population in excess of
- 11 one hundred fifty thousand according to the most
- 12 recent federal decennial census".
- 13 3. Page 1, by striking lines 12 through 17 and
- 14 inserting the following: "cards."

Amendment H-1046 was adopted.

Petersen of Polk moved the adoption of amendment H-1040, as amended.

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

On the question "Shall amendment H-1040, as amended, be adopted?" (H.F. 466)

The ayes were, 50:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, none.

Amendment H-1040, as amended, lost.

Ford of Polk offered amendment H-1042 filed by him as follows:

H-1042

- 1 Amend House File 466 as follows:
- 2 1. Page 5, by inserting after line 3 the
- 3 following:
- 4 "Sec. __. Section 307.10, Code 2005, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 15A. Approve any change in the
- 7 location of an existing driver's license issuance site
- 8 operated by the department and the location of any new
- 9 site.
- 10 Sec. __. Section 307.12, Code 2005, is amended by
- 11 adding the following new subsection:
- 12 NEW SUBSECTION. 16. Recommend to the commission
- 13 any proposed location or change in the location of a
- 14 driver's license issuance site operated by the
- 15 department. The director shall hold at least one
- 16 public hearing in the area served by a driver's
- 17 license issuance site prior to recommending a location
- 18 change for an existing site."
- 19 2. By renumbering as necessary.

Huseman of Cherokee rose on a point of order that amendment H-1042 was not germane.

The Speaker ruled the point well taken and amendment H-1042 not germane.

Ford of Polk offered amendment H-1044 filed by him as follows:

H-1044

1 Amend House File 466 as follows:

2 1. Page 5, by inserting after line 3 the
3 following:

4 "Sec. __ Section 307.40, Code 2005, is amended
5 to read as follows:

6 307.40 COPIES OF CONTRACTS TO LEGISLATIVE SERVICES
7 AGENCY.

8 The department shall give a copy of each of the
9 following contracts to the legislative services
10 agency:

11 1. Each contract for construction or
12 reconstruction of roads, streets, or bridges entered
13 into by the department in which the contract price is
14 for five million dollars or more to the legislative
15 services agency.

16 2. Each contract for lease or purchase of land or
17 buildings, other than land or buildings needed for a
18 highway construction project, entered into by the
19 department in which the contract price or annual lease
20 cost is five hundred thousand dollars or more."

21 2. By renumbering as necessary.

Huseman of Cherokee rose on a point of order that amendment H-1044 was not germane.

The Speaker ruled the point well taken and amendment H-1044 not germane.

Ford of Polk offered the following amendment H-1041, previously deferred, filed by him and moved its adoption:

H-1041

1 Amend House File 466 as follows:

2 1. Page 2, by striking lines 20 through 32.

Amendment H-1041 lost.

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. 466)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Olson, D.	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 7:

Fallon	Ford	Hogg	Hunter
Oldson	Olson, R.	Petersen	

Absent or not voting, none.

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

HOUSE FILE 91 WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw House File 91 from further consideration by the House.

HOUSE FILE 25 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 25 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 466** be immediately messaged to the Senate.

ADOPTION OF SENATE CONCURRENT RESOLUTION 3

Roberts of Carroll called up for consideration **Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly as follows:

Page 1

1 SENATE CONCURRENT RESOLUTION NO. 3
2 BY COMMITTEE ON RULES AND ADMINISTRATION
3 A Concurrent Resolution relating to the compensation
4 of chaplains, officers, and employees of the
5 ~~eightieth~~ eighty-first general assembly.
6 WHEREAS, section 2.11 of the Code provides that
7 "The compensation of the chaplains, officers, and
8 employees of the general assembly shall be fixed by
9 joint action of the house and senate by resolution at
10 the opening of each session, or as soon thereafter as
11 conveniently can be done.", NOW THEREFORE,
12 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
13 REPRESENTATIVES CONCURRING, ~~That the compensation for~~
14 ~~the following officers for the period commencing~~
15 ~~January 13, 2003 and ending January 10, 2005, shall be~~
16 ~~within the following ranges:~~
17 ~~Secretary of the Senate and Chief~~
18 ~~Clerk of the House..... \$63,024 to \$100,581~~
19 ~~Within the indicated ranges the exact compensation~~
20 ~~shall be set or adjusted for the senate officers by~~
21 ~~the senate rules and administration committee and for~~
22 ~~the house officers by the house administration and~~
23 ~~rules committee. The committees shall report the~~
24 ~~exact compensation assigned to each position on the~~
25 ~~next legislative day, or, if such action is during the~~
26 ~~interim, on the first day the senate or house shall~~
27 ~~convene. Any action by the senate or house to~~
28 ~~disapprove or amend the report shall be effective the~~
29 ~~day after the action.~~
30 BE IT FURTHER RESOLVED, That the compensation of

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1 the employees of the ~~eightieth~~ eighty-first general
2 assembly is set, effective from ~~January 13, 2003~~

3 January 10, 2005, until January 10, 2005 January 8,
 4 2007, in accordance with the following salary
 5 schedule:
 6 #9
 7 \$15,828.80
 8 7.61
 9
 10 #10 #11 #12 #13 #14
 11 \$16,702.40 \$17,576.00 \$18,449.60 \$19,344.00 \$20,384.00
 12 8.03 8.45 8.87 9.30 9.80
 13
 14 #15 #16 #17 #18 #19
 15 \$21,465.60 \$22,547.20 \$23,524.80 \$24,710.40 \$25,812.80
 16 10.32 10.84 11.31 11.88 12.41
 17
 18 #20 #21 #22 #23 #24
 19 \$27,164.80 \$28,371.20 \$29,764.80 \$31,241.60 \$32,656.00
 20 13.06 13.64 14.31 15.02 15.70
 21
 22 #25 #26 #27 #28 #29
 23 \$34,299.20 \$35,880.00 \$37,627.20 \$39,478.40 \$41,350.40
 24 16.49 17.25 18.09 18.98 19.88
 25
 26 #30 #31 #32 #33 #34
 27 \$43,247.20 \$45,468.80 \$47,569.60 \$49,920.00 \$52,249.60
 28 20.84 21.86 22.87 24.00 25.12
 29
 30 #35 #36 #37 #38 #39

Page 3

1 \$54,745.60 \$57,387.20 \$60,174.40 \$63,024.00 \$66,102.40
 2 26.32 27.59 28.93 30.30 31.78
 3
 4 #40 #41 #42 #43 #44
 5 \$69,284.80 \$72,612.80 \$76,169.60 \$79,684.80 \$83,595.200
 6 33.31 34.91 36.62 38.31 40.19
 7
 8 #45 #46 #47 #48 #49
 9 \$87,609.60 \$91,790.40 \$96,179.20 \$100,580.80 \$110,739.20
 10 42.12 44.13 46.24 50.76 53.24
 11
 12 #9
 13 \$16,473.60
 14 7.92
 15
 16 #10 #11 #12 #13 #14
 17 \$17,368.00 \$18,283.20 \$19,198.40 \$20,134.40 \$21,216.00
 18 8.35 8.79 9.23 9.68 10.20
 19
 20 #15 #16 #17 #18 #19
 21 \$22,339.20 \$23,462.40 \$24,481.60 \$25,708.80 \$26,852.80

22	<u>10.74</u>	<u>11.28</u>	<u>11.77</u>	<u>12.36</u>	<u>12.91</u>
23					
24	<u>#20</u>	<u>#21</u>	<u>#22</u>	<u>#23</u>	<u>#24</u>
25	<u>\$28,267.20</u>	<u>\$29,515.20</u>	<u>\$30,971.20</u>	<u>\$32,510.40</u>	<u>\$33,966.40</u>
26	<u>13.59</u>	<u>14.19</u>	<u>14.89</u>	<u>15.63</u>	<u>16.33</u>
27					
28	<u>#25</u>	<u>#26</u>	<u>#27</u>	<u>#28</u>	<u>#29</u>
29	<u>\$35,692.80</u>	<u>\$37,336.00</u>	<u>\$39,145.60</u>	<u>\$41,080.00</u>	<u>\$43,035.20</u>
30	<u>17.16</u>	<u>17.95</u>	<u>18.82</u>	<u>19.75</u>	<u>20.69</u>

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1					
2	<u>#30</u>	<u>#31</u>	<u>#32</u>	<u>#33</u>	<u>#34</u>
3	<u>\$45,115.20</u>	<u>\$47,320.00</u>	<u>\$49,504.00</u>	<u>\$51,937.60</u>	<u>\$54,350.40</u>
4	<u>21.69</u>	<u>22.75</u>	<u>23.80</u>	<u>24.97</u>	<u>26.13</u>
5					
6	<u>#35</u>	<u>#36</u>	<u>#37</u>	<u>#38</u>	<u>#39</u>
7	<u>\$56,971.20</u>	<u>\$59,696.00</u>	<u>\$62,608.00</u>	<u>\$65,582.40</u>	<u>\$68,785.60</u>
8	<u>27.39</u>	<u>28.70</u>	<u>30.10</u>	<u>31.53</u>	<u>33.07</u>
9					
10	<u>#40</u>	<u>#41</u>	<u>#42</u>	<u>#43</u>	<u>#44</u>
11	<u>\$72,092.80</u>	<u>\$75,545.60</u>	<u>\$79,248.00</u>	<u>\$82,908.80</u>	<u>\$86,964.80</u>
12	<u>34.66</u>	<u>36.32</u>	<u>38.10</u>	<u>39.86</u>	<u>41.81</u>
13					
14	<u>#45</u>	<u>#46</u>	<u>#47</u>	<u>#48</u>	<u>#49</u>
15	<u>\$91,145.60</u>	<u>\$95,492.80</u>	<u>\$100,048.00</u>	<u>\$104,852.80</u>	<u>\$109,865.60</u>
16	<u>43.82</u>	<u>45.91</u>	<u>48.10</u>	<u>50.41</u>	<u>52.82</u>
17					
18	<u>#50</u>				
19	<u>\$115,211.20</u>				
20	<u>55.39</u>				

21 In this schedule, each numbered block shall be the
 22 yearly and hourly compensation for the pay grade of
 23 the number heading the block. Within each grade there
 24 shall be ~~six~~ seven steps numbered "1" through "6" "7".
 25 In the above schedule the steps for all grades are
 26 determined in the following manner. Each numbered
 27 block is counted as the "1" step for that grade. The
 28 next higher block is counted as the "2" step; the next
 29 higher block is the "3" step; the next higher block is
 30 the "4" step; the next higher block is the "5" step;

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1 the next higher block is the "6" step; and the next
 2 higher block is the "7" step.

3 Alternatively, the senate rules and administration
 4 committee for senate employees, and the house
 5 administration and rules committee for house employees
 6 may allow their employees' compensation to be flexibly
 7 set anywhere between steps "1" through "6" "7" for an

8 employee's prescribed pay grade.

9 All employees shall be available to work daily
10 until completion of the senate's and house of
11 representatives' business. The employee's division
12 supervisor shall schedule all employees' working hours
13 to, as far as possible, maintain regular working
14 hours.

15 All employees, other than those designated "part-
16 time", shall be compensated for 40 hours of work in a
17 one-week pay period. Secretaries to senators and
18 representatives are presumed to have 36 hours of work
19 each week the legislature is in session and shall be
20 paid only on that basis. Full-time employees who are
21 required to work in excess of 80 hours in a two-week
22 pay period shall be allowed compensatory time off at a
23 rate of one hour for each hour of overtime up to a
24 maximum of 120 hours of compensatory time. Joint
25 security employees of the senate and house of
26 representatives may be compensated for each hour of
27 overtime at a rate of pay equal to one-and-one-half
28 times the hourly pay provided.

29 BE IT FURTHER RESOLVED, That part-time employees
30 shall be compensated at the scheduled hourly rate for

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1 their pay grade and step.

2 BE IT FURTHER RESOLVED, That in the event the
3 salary schedule for employees of the State of Iowa as
4 promulgated by the ~~personnel commission~~ department of
5 administrative services pursuant to section ~~19A.9~~
6 8A.413, subsection 2, is revised upward at any time
7 during the ~~eightieth~~ eighty-first general assembly,
8 such revised schedule shall simultaneously be adopted
9 for the compensation of the employees of the ~~eightieth~~
10 eighty-first general assembly assigned a grade by this
11 resolution, unless otherwise provided by the senate
12 and house of representatives. ~~The pay ranges of those~~
13 ~~positions specifically listed on page one of this~~
14 ~~resolution shall be automatically adjusted to reflect~~
15 ~~any cost of living increases granted to those~~
16 ~~employees not included in the collective bargaining~~
17 ~~agreements made final under chapter 20 of the Code and~~
18 ~~increases provided by the legislative council for~~
19 ~~agency directors.~~

20 BE IT FURTHER RESOLVED, That adjustments in the
21 positions and compensation listed in this resolution
22 may be made through an ~~annual~~ interim review of all
23 legislative employees for internal equity and to
24 assure compliance with appropriate legal standards for
25 granting of overtime and compensatory time off. Such
26 review shall be conducted by a legislative committee

27 made up of members of the service committee of
 28 legislative council and the appropriate salary
 29 subcommittees of the senate and house. Only one such
 30 review may be done in any fiscal year and adjustments

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1 suggested must be approved by the appropriate hiring
 2 body.
 3 BE IT FURTHER RESOLVED, That the employees of the
 4 eightieth eighty-first general assembly be placed in
 5 the following pay grades:
 6 EMPLOYEES OF THE HOUSE
 7 Chief Clerk of the House Grade 44
 8 Sr. Assistant Chief Clerk of the House..... Grade 41
 9 Assistant Chief Clerk of the House III Grade 38
 10 Assistant Chief Clerk of the House II Grade 35
 11 Assistant Chief Clerk of the House I..... Grade 32
 12 Legal Counsel II..... Grade 35
 13 Legal Counsel I..... Grade 32
 14 Legal Counsel..... Grade 30
 15 Sr. Caucus Staff Director Grade 41
 16 Caucus Staff Director Grade 38
 17 Administrative Assistant to Leader
 18 or Speaker Grade 27
 19 Administrative Assistant I to Leader
 20 or Speaker Grade 29
 21 Administrative Assistant II to Leader
 22 or Speaker Grade 32
 23 Administrative Assistant III to Leader
 24 or Speaker Grade 35
 25 Sr. Administrative Assistant to
 26 Leader or Speaker..... Grade 38
 27 Research Assistant Grade 24
 28 Legislative Research Analyst..... Grade 27
 29 Legislative Research Analyst I Grade 29
 30 Legislative Research Analyst II..... Grade 32

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1 Legislative Research Analyst III Grade 35
 2 Sr. Legislative Research Analyst..... Grade 38
 3 Assistant Secretary to Leader
 4 or Speaker Grade 18
 5 Secretary to Leader or Speaker Grade 19
 6 Caucus Secretary Grade 21
 7 Senior Caucus Secretary Grade 24
 8 Administrative Secretary to Leader,
 9 Speaker, or Chief Clerk Grade 21
 10 Executive Secretary to Leader,
 11 Speaker or Chief Clerk Grade 24
 12 Confidential Secretary to Leader,

13	Speaker, or Chief Clerk	Grade 27
14	Confidential Secretary II to Leader,	
15	Speaker or Chief Clerk	Grade 32
16	Clerk to Chief Clerk.....	Grade 16
17	Supervisor of Secretaries.....	Grade 21
18	Supervisor of Secretaries I.....	Grade 24
19	Supervisor of Secretaries II.....	Grade 27
20	Senior Editor	Grade 30
21	Editor II.....	Grade 25
22	Editor I	Grade 22
23	Assistant Editor.....	Grade 19
24	Compositor/Desk Top Specialist	Grade 17
25	Sr. Text Processor	Grade 25
26	Text Processor II.....	Grade 22
27	Text Processor I	Grade 19
28	<u>Senior Finance Officer III</u>	<u>Grade 38</u>
29	Senior Finance Officer II.....	Grade 35
30	Senior Finance Officer I	Grade 31

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1	Finance Officer II.....	Grade 27
2	Finance Officer I	Grade 24
3	Assistant Finance Officer.....	Grade 21
4	Recording Clerk II	Grade 24
5	Recording Clerk I.....	Grade 21
6	Assistant Legal Counsel.....	Grade 27
7	Engrossing & Enrolling Processor	Grade 27
8	Assistant to the Legal Counsel	Grade 19
9	Senior Indexer.....	Grade 28
10	Indexer II	Grade 25
11	Indexer I.....	Grade 22
12	Indexing Assistant.....	Grade 19
13	Supply Clerk	Grade 16
14	Switchboard Operator	Grade 14
15	Legislative Secretary	Grade 15
16	Legislative Committee Secretary.....	Grade 17
17	Bill Clerk	Grade 14
18	Assistant Bill Clerk	Grade 12
19	Postmaster	Grade 12
20	Sergeant-at-Arms II	Grade 20
21	Sergeant-at-Arms I.....	Grade 17
22	Assistant Sergeant-at-Arms.....	Grade 14
23	Chief Doorkeeper	Grade 12
24	Doorkeepers	Grade 11
25	Pages	Grade 9
26	EMPLOYEES OF THE SENATE	
27	<u>Secretary of the Senate</u>	<u>Grade 44</u>
28	Sr. Assistant Secretary of the Senate.....	Grade 41
29	Assistant Secretary of the Senate III	Grade 38
30	Assistant Secretary of the Senate II.....	Grade 35

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1	Assistant Secretary of the Senate.....	Grade 32
2	Legal Counsel II.....	Grade 35
3	Legal Counsel I.....	Grade 32
4	Legal Counsel.....	Grade 30
5	Sr. Caucus Staff Director.....	Grade 41
6	Caucus Staff Director.....	Grade 38
7	Administrative Assistant to Leader	
8	or President.....	Grade 27
9	Administrative Assistant I to Leader	
10	or President.....	Grade 29
11	Administrative Assistant II to Leader	
12	or President.....	Grade 32
13	Administrative Assistant III to Leader	
14	or President.....	Grade 35
15	Sr. Administrative Assistant to	
16	Leader or President.....	Grade 38
17	Research Assistant.....	Grade 24
18	Legislative Research Analyst.....	Grade 27
19	Legislative Research Analyst I.....	Grade 29
20	Legislative Research Analyst II.....	Grade 32
21	Legislative Research Analyst III.....	Grade 35
22	Sr. Legislative Research Analyst.....	Grade 38
23	Caucus Secretary <u>II</u>	Grade 21
24	Senior Caucus Secretary.....	Grade 24
25	Secretary to Leader, or President, <u>or</u>	Grade 49
26	<u>Caucus</u>	<u>18</u>
27	Administrative Secretary to Leader, President,	
28	or Secretary of the Senate.....	Grade 21
29	Executive Secretary to Leader, President,	
30	or Secretary of the Senate.....	Grade 24

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1	Confidential Secretary to Leader, President,	
2	or Secretary of the Senate.....	Grade 27
3	Confidential Secretary II to Leader, President,	
4	or Secretary of the Senate.....	Grade 32
5	Supervisor of Secretaries.....	Grade 21
6	Supervisor of Secretaries I.....	Grade 24
7	Supervisor of Secretaries II.....	Grade 27
8	Senior Editor.....	Grade 30
9	Editor II.....	Grade 25
10	Editor I.....	Grade 22
11	Assistant Editor.....	Grade 19
12	Compositor/Desk Top Specialist.....	Grade 17
13	Assistant Legal Counsel.....	Grade 27
14	Assistant to the Legal Counsel.....	Grade 19
15	Proofreader.....	Grade 16
16	<u>Senior Finance Officer III</u>	<u>Grade 38</u>
17	Senior Finance Officer II.....	Grade 35

18	Senior Finance Officer I	Grade 31
19	Finance Officer II.....	Grade 27
20	Finance Officer I.....	Grade 24
21	Assistant Finance Officer.....	Grade 21
22	Recording Clerk II	Grade 24
23	Recording Clerk I.....	Grade 21
24	Senior Indexer.....	Grade 28
25	Indexer II	Grade 25
26	Indexer I.....	Grade 22
27	Indexing Assistant.....	Grade 19
28	Records and Supply Clerk.....	Grade 18
29	Switchboard Operator	Grade 14
30	Legislative Secretary.....	Grade 15

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1	Legislative Committee Secretary.....	Grade 17
2	Bill Clerk	Grade 14
3	Assistant Bill Clerk	Grade 12
4	Postmaster	Grade 12
5	Sergeant-at-Arms II	Grade 20
6	Sergeant-at-Arms I.....	Grade 17
7	Assistant Sergeant-at-Arms.....	Grade 14
8	Chief Doorkeeper	Grade 12
9	Doorkeepers	Grade 11
10	Pages.....	Grade 9

JOINT SENATE/HOUSE EMPLOYEES

12	Facilities Manager I	Grade 35
13	Facilities Manager II.....	Grade 38
14	Sr. Facilities Manager.....	Grade 41
15	Legislative Security Secretary.....	Grade 19
16	<u>Legislative Security Coordinator I</u>	<u>Grade 23</u>
17	<u>Legislative Security Coordinator II</u>	<u>Grade 26</u>
18	Legislative Security Officer I.....	Grade 20
19	Legislative Security Officer II.....	Grade 23
20	Conservation/Restoration Specialist II.....	Grade 31
21	<u>Sr. Copy Center Operator.....</u>	<u>Grade 21</u>

22 BE IT FURTHER RESOLVED, That there shall be four
 23 classes of appointments as employees of the general
 24 assembly:

25 A "permanent full-time" or "permanent part-time"
 26 employee is one who is employed the year around and
 27 eligible to receive state benefits.

28 An "exempt full-time" employee is one who is
 29 employed for only a portion of the year, usually the
 30 period of the legislative sessions with extensions

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1 post-session and pre-session as scheduled. This class
 2 is eligible to receive state benefits with the cost of
 3 benefits to the state to be paid, using accrued leave

4 if authorized, by the employee when not on the
5 payroll.

6 A "session-only" employee is one who is employed
7 for only a portion of the year, usually the
8 legislative session. This class is not eligible for
9 state benefits, except IPERS, and insurance as
10 provided in section 2.40.

11 A "part-time" employee is one who is employed to
12 work less than 40 hours per week. This class is not
13 eligible for state benefits, except IPERS if eligible.

14 BE IT FURTHER RESOLVED, That the exact
15 classification for individuals in a job series created
16 by this resolution shall be set or changed for senate
17 employees by the senate rules and administration
18 committee and for the house employees by the house
19 administration and rules committee. The committees
20 shall base the classification upon the following
21 factors:

- 22 1. The extent of formal education required of the
23 position; and,
- 24 2. The extent of the responsibilities to be
25 assigned to the position; and,
- 26 3. The amount of supervision placed over the
27 position; and,
- 28 4. The number of persons the position is assigned
29 to supervise and skills and responsibilities of those
30 positions supervised.

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1 The committees shall report the exact
2 classifications assigned to each individual on the
3 next legislative day, or, if such action is during the
4 interim, on the first day the senate or house shall
5 convene. Any action by the senate or house to
6 disapprove a report or a portion of a report shall be
7 effective the day after the action.

8 Recommendations for a pay grade for a new position
9 shall be developed in accordance with the factor
10 scores in the comparable worth report. Beginning in
11 1999, every four years the senate rules and
12 administration committee, the house administration and
13 rules committee, and the legislative council may
14 review all positions in the legislative branch to
15 assure conformity to comparable worth.

16 BE IT FURTHER RESOLVED, That a senator or
17 representative may employ a secretary who in the
18 judgment of the senator or representative employing
19 such person, possesses the necessary skills to perform
20 the duties such senator or representative shall
21 designate, under the administrative direction, as
22 appropriate, of the secretary of the senate or the

23 chief clerk of the house.
 24 Each standing committee chairperson, ethics
 25 committee chairperson, and each appropriations
 26 subcommittee chairperson shall designate a secretary
 27 who is competent to perform the following duties:
 28 prepare committee minutes, committee reports, type
 29 committee correspondence, maintain committee records,
 30 and otherwise assist the committee. Such duties shall

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1 be performed in accordance with standards which shall
 2 be provided by the secretary of the senate and chief
 3 clerk of the house. In making the designation,
 4 chairpersons shall consider persons for possible
 5 designation as the secretary to the committee in the
 6 following order:

7 First: The secretary to the chairperson.

8 Second: The secretary to the committee's vice-
 9 chairperson.

10 Third: The secretary to any other member of the
 11 committee.

12 Fourth: The secretary to any other member in the
 13 same house as the committee.

14 BE IT FURTHER RESOLVED, That a Legal Counsel II
 15 shall be a person who has graduated from an accredited
 16 school of law and is admitted to practice in Iowa as
 17 an Attorney and Counselor at Law and possesses either
 18 a Masters of Law degree or has at least two years of
 19 legal experience after admission to practice.

20 A Legal Counsel I shall be a person who has
 21 graduated from an accredited school of law and is
 22 admitted to practice in Iowa as an Attorney and
 23 Counselor at Law.

24 BE IT FURTHER RESOLVED, That employees of the
 25 general assembly may be eligible for either:

26 a) increases in salary grade ~~or step~~ based on
 27 evaluation of their job performance and
 28 recommendations of their administrative officers,
 29 subject to approval of the senate committee on rules
 30 and administration or the house committee on

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1 administration and rules, as appropriate, provided,
 2 however, that for promotions ~~between classes with a~~
 3 ~~three or more pay grade difference~~, the employee shall
 4 be given a ~~two-step~~ one-step increase in pay or the
 5 employee's salary shall be adjusted to the entry level
 6 in the grade of the new position, whichever is
 7 greater; or

8 b) mobility within a pay grade at the discretion

9 of the chief clerk of the house upon recommendation by
10 the employee's division supervisor on the part of the
11 house, and the discretion of the employee's division
12 supervisor on the part of the senate, subject to the
13 approval of the house committee on administration and
14 rules or the senate committee on rules and
15 administration, as appropriate -- either in accord
16 with a flexible pay plan approved by the senate rules
17 and administration committee or the house
18 administration and rules committee, or in accord with
19 the following schedule:

20 (1) Progression from step "1" to "2" for a newly
21 hired employee -- six months of actual employment.

22 (2) Progression from step "1" to "2" following
23 promotion within a job series -- twelve months of
24 actual employment in that position.

25 (3) Progression from step "2" to "3", and step "3"
26 to "4", and step "4" to "5", and step "5" to "6", and
27 step "6" to "7" -- twelve months of actual employment
28 at the lower step.

29 BE IT FURTHER RESOLVED, ~~that~~ That in addition to
30 the steps provided in the preceding paragraph, that

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1 secretaries to senators and representatives who were
2 employees of the senate or house of representatives
3 during any general assembly prior to January 9, 1989,
4 and who have received certification for passing a
5 typing and shorthand performance examination shall be
6 eligible for two additional steps.

7 BE IT FURTHER RESOLVED, That in addition to the
8 steps provided in the preceding paragraph, that
9 secretaries to senators and representatives shall be
10 eligible for a maximum of three additional grades
11 beyond grade 15, in any combination, as provided in
12 this paragraph:

13 1. One additional grade for a secretary to a
14 standing committee chair, ethics committee chair or
15 appropriations subcommittee chair who is not the
16 designated committee secretary.

17 2. One additional grade for a secretary to a vice-
18 chairperson or ranking member of a standing committee,
19 ethics committee or appropriations subcommittee.

20 3. One additional grade for a secretary to the
21 chairperson of the chaplain's committee.

22 4. Two additional grades for a secretary to an
23 assistant floor leader or speaker pro tempore or
24 president pro tempore.

25 5. One additional grade for a designated committee
26 secretary who is also the designated committee
27 secretary for an additional standing committee, ethics

28 committee, or appropriations subcommittee.
 29 BE IT FURTHER RESOLVED, That in the event the
 30 secretary to the chairperson of the chaplain's

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1 committee is the secretary to the president, president
 2 pro tempore, speaker, speaker pro tempore, or the
 3 majority or minority leader, such secretary shall
 4 receive one additional step.
 5 BE IT FURTHER RESOLVED, That the entrance salary
 6 for employees of the general assembly shall be at step
 7 1 in the grade of the position held. Such employee
 8 may be hired above the entrance step if possessing
 9 outstanding and unusual experience for the position,
 10 ~~provided that the entrance is not beyond step 3.~~ Such
 11 employee who is hired above the entrance step shall be
 12 mobile above that step in the same period of time as
 13 other employees in that same step. An officer or
 14 employee who is moved to another position may be
 15 considered for partial or full credit for their
 16 experience in the former position in determining the
 17 step in the new grade.
 18 The entry level for the position of research
 19 analyst shall be Legislative Research Analyst, unless
 20 extraordinary conditions justify increasing that entry
 21 ~~level; however, that entry level may not be increased~~
 22 ~~beyond Legislative Research Analyst I. A research~~
 23 ~~analyst must have shown knowledge of legislative rules~~
 24 ~~and procedures as well as the Code of Iowa to be~~
 25 ~~considered at any level above a Legislative Research~~
 26 ~~Analyst.~~
 27 BE IT FURTHER RESOLVED, That a pay increase for
 28 employees of one step within the pay grade for the
 29 position may be made for exceptionally meritorious
 30 service in addition to step increases provided for in

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1 this resolution, at the discretion of the chief clerk
 2 upon recommendation by the employee's division
 3 supervisor on the part of the house, and upon
 4 recommendation by the employee's division supervisor
 5 on the part of the senate, and the approval of the
 6 senate committee on rules and administration or the
 7 house committee on administration and rules.
 8 Exceptionally meritorious service pay increases shall
 9 be governed by the following:
 10 a. The employee must have served in the position
 11 for at least twelve months;
 12 b. Written justification, setting forth in detail
 13 the nature of the exceptionally meritorious service

14 rendered, must be submitted to the senate rules and
15 administration committee or house administration and
16 rules committee and approved in advance of granting
17 the pay increase;

18 c. No more than one exceptionally meritorious
19 service pay increase may be granted in any twelve-
20 month period.

21 d. Such meritorious service pay increase shall not
22 be granted beyond the ~~six-step~~ seven-step maximum for
23 that position.

24 BE IT FURTHER RESOLVED, That the senate rules and
25 administration committee and the house administration
26 and rules committee shall both hire officers and
27 employees for their respective bodies and fill any
28 vacancies which may occur, to be effective at such
29 time as they shall set. The committee shall report
30 the names of those it has hired for the positions

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1 specified in this resolution or the filling of any
2 vacancies on the next legislative day or, if such
3 action is during the interim, on the first day the
4 senate or house shall convene. Any action by the
5 senate or house to amend or disapprove a report or a
6 portion of a report shall be effective the day after
7 the action.

8 The chief clerk of the house shall submit to the
9 house committee on administration and rules and the
10 secretary of the senate shall submit to the senate
11 committee on rules and administration the list of
12 names, or amendments thereto, of employee
13 classifications and recommended pay step for each
14 officer and employee. Such list shall include
15 recommendations for the pay step for all employees.
16 Each respective committee shall approve or amend the
17 list of recommended classifications and pay steps and
18 publish said list in the journal.

19 BE IT FURTHER RESOLVED, That permanent employees of
20 the general assembly shall receive vacation
21 allowances, sick leave, health and accident insurance,
22 life insurance, and disability income insurance as are
23 comparably provided for full-time permanent state
24 employees. The computations shall be maintained by
25 the finance officers in each house and coordinated
26 with the department of ~~revenue and finance~~
27 administrative services.

28 BE IT FURTHER RESOLVED, That should any employee
29 have a grievance, the grievance shall be resolved as
30 provided by procedures determined by the senate rules

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1 and administration committee for senate employees or
2 the house administration and rules committee for house
3 employees.

4 BE IT FURTHER RESOLVED, That the legislative
5 council ~~adopt a resolution similar~~ take action to this
6 ~~resolution which provides for the~~ provide the same
7 compensation and benefits ~~of to~~ all legislative
8 central staff agency employees for the ~~eightieth~~
9 ~~eighty-first~~ general assembly as is provided by this
10 resolution. ~~The resolution shall be adopted as soon~~
11 ~~as practicable after the convening of the eightieth~~
12 ~~general assembly, and published in the journals of the~~
13 ~~senate and house.~~

14 BE IT FURTHER RESOLVED, That the compensation of
15 chaplains officiating at the opening of the daily
16 sessions of the house of representatives and the
17 senate of the ~~eightieth~~ eighty-first general assembly
18 be fixed at ten dollars for each house of the general
19 assembly, and that mileage ~~for chaplains be fixed at~~
20 ~~the rate of twenty nine cents per mile to and from the~~
21 State Capitol for chaplains be fixed at the rate
22 established for members of the general assembly.

Roberts of Carroll offered the following amendment H-1032 filed by the committee on administration and rules and moved its adoption:

H-1032

1 Amend Senate Concurrent Resolution 3, as passed by
2 the Senate, as follows:

3 1. By striking page 15, line 26, through page 16,
4 line 7, and inserting the following:

5 "a) increases in salary grade or step based on
6 evaluation of their job performance and
7 recommendations of their administrative officers,
8 subject to approval of the senate committee on rules
9 and administration or the house committee on
10 administration and rules, as appropriate, ~~provided,~~
11 ~~however, that for promotions between classes with a~~
12 ~~three or more pay grade difference, the employee shall~~
13 ~~be given a two step increase in pay or the employee's~~
14 ~~salary shall be adjusted to the entry level in the~~
15 ~~grade of the new position, whichever is greater; or".~~

The committee amendment H-1032 was adopted.

On motion by Roberts of Carroll the resolution, as amended, was adopted.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate Concurrent Resolution 3** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

Mr. Speaker: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House File 216

1. Page 9, line 12 – Change lead-in to read as follows:
“Sec. 16. Section 321.191, subsection 7, Code 2005, is amended to read as follows:”.

House File 312

1. Title page, line 2 – Add the word “and” after “expenditures,”.
2. Title page, line 3 – Delete the words “, and use of public resources”.

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 2nd day of March, 2005: House File 175.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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

- 2005\591 Hannah Tesdall, Story City – For celebrating her 100th birthday.
- 2005\592 T.J. Sebolt, Centerville – For receiving 1st place in the 119 lb. weight class in the Class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\593 Pat McCaffrey, Centerville – For receiving 1st place in the 112 lb. weight class in the Class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\594 Helen Bie, Ames – For celebrating her 90th birthday.
- 2005\595 Ethel Pierce, Ames – For celebrating her 85th birthday.
- 2005\596 Owen Wilmot, Ames – For celebrating his 80th birthday.
- 2005\597 Betty Cue, Ames – For celebrating her 80th birthday.
- 2005\598 Everett Tett, Ames – For celebrating his 80th birthday.
- 2005\599 Willis Skrdla, Ames – For celebrating his 85th birthday.
- 2005\600 Ernest Horn, Ames – For celebrating his 85th birthday.
- 2005\601 Robert C. Bullis, Waterloo – For celebrating his 80th birthday.
- 2005\602 Virginia Phelps, Waterloo – For celebrating her 90th birthday.
- 2005\603 Virginia Miller, Waterloo – For celebrating her 85th birthday.
- 2005\604 Tony Lovstuen, Centerville – For receiving 2nd place in the 135 lb. weight class in the Class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\605 Leonard and Maurine Amendt, Sutherland – For celebrating their 50th wedding anniversary.
- 2005\606 Gerrit and Erma DeJong, Sibley – For celebrating their 55th wedding anniversary.

2005\607 Alec Bonander, West Lyon High School/Larchwood – For receiving 2nd place in the 189 lb. weight class in the Class 1-A Division of the 2005 State Wrestling Tournament.

SUBCOMMITTEE ASSIGNMENTS

House File 166

Environmental Protection: Greiner, Chair; Shoultz and Watts.

House File 321

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House File 414

Environmental Protection: Greiner, Chair; Anderson and Gaskill.

House File 481

Agriculture: Dolecheck, Chair; Frevert and Rayhons.

House File 482

Natural Resources: Rayhons, Chair; Davitt and Freeman.

House File 489

Environmental Protection: Greiner, Chair; Huseman and Kressig.

House File 490

Agriculture: Mertz, Chair; Kaufmann and Zirkelbach.

House File 525

Natural Resources: Arnold, Chair; Tjepkes and Whitaker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 220

Education: Tymeson, Chair; Raecker and Wendt.

House Study Bill 221

Judiciary: Anderson, Chair; Berry and Hutter.

House Study Bill 222

Judiciary: Eichhorn, Chair; R. Olson and Tymeson.

House Study Bill 224

Commerce, Regulation and Labor: Dix, Chair; Jenkins and Wise.

House Study Bill 228

Education: Tymeson, Chair; Kaufmann and Wendt.

House Study Bill 229

Commerce, Regulation and Labor: Watts, Chair; Jenkins and Quirk.

House Study Bill 230

Commerce, Regulation and Labor: Horbach, Chair; Freeman and Quirk.

House Study Bill 231

Commerce, Regulation and Labor: Struyk, Chair; Kressig and Wilderdyke.

House Study Bill 232

Commerce, Regulation and Labor: Horbach, Chair; Freeman, Oldson, Struyk and Wise.

House Study Bill 233

Commerce, Regulation and Labor: Watts, Chair; Dix, Horbach, T. Taylor and Wise.

House Study Bill 234

Agriculture: S. Olson, Chair; De Boef and Mertz.

House Study Bill 235

Agriculture: Struyk, Chair; Mertz and S. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 241 Human Resources**

Relating to the providing of another business or activity in a health care facility.

H.S.B. 242 Oversight

Relating to electronic notices of bidding opportunities for state purchases and of any extension or renewal of existing contracts.

H.S.B. 243 Education

Relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, eliminating an early school start date penalty, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, expanding the penalties for school bus drivers in violation of Code requirements, revising requirements for prior authorization and a certificate of need for local option and services tax for school infrastructure fund use, and reinstating open enrollment eligibility under a certain circumstance related to desegregation plans.

H.S.B. 244 Economic Growth

Relating to requirements for tax credits issued for equity investments in a qualifying business or a community-based seed capital fund.

H.S.B. 245 State Government

Concerning payment of retained funds on public improvements.

H.S.B. 246 State Government

Providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

H.S.B. 247 Agriculture

Relating to animal feeding operations, by providing for chronic complaints.

H.S.B. 248 Judiciary

A Concurrent Resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability insurance for health care providers in Iowa.

H.S.B. 249 Judiciary

Relating to liens associated with agricultural production, by providing for the termination of those liens.

H.S.B. 250 Natural Resources

Relating to wild animals, by providing for their regulation, providing for fees and appropriations, and providing for penalties.

H.S.B. 251 Human Resources

Establish an advanced practice registered nurse compact and including a future repeal.

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 AGRICULTURE

Committee Bill (Formerly House File 202), relating to the regulation of agricultural seed, by providing for preemption of local legislation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House File 462), relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House File 114), prohibiting consideration of certain traffic accidents occurring in the course of an Iowa state patrol member's employment in establishment of motor vehicle insurance rates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 90), relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 160), relating to interstate natural gas pipelines including requirements regarding construction, operations, and maintenance, applicable penalties and resultant damages, and easements.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 188), relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by federal deposit insurance in certificates of deposit.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 98), relating to criteria and incentives under the new capital investment program and providing effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 354), providing for the retention of solid waste tonnage fees by sanitary landfills for purposes of regional collection centers and third parties providing services similar to regional collection centers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

Committee Bill (Formerly House Study Bill 181), relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 123), relating to dual governmental employment by executive branch officials and state employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 184), revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 95), relating to assisted living programs, providing for application of a penalty, and providing for a fee.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 100), relating to the membership of the council with which the director of human services consults regarding the medical assistance program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 102), relating to adult day services regulation and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 207), relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 71), prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 108), defining the term "possession" for purposes of the criminal law.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

Committee Bill (Formerly House Study Bill 202), limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 173), relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2005.

Pursuant to Rule 31.7, House File 534 was referred to the committee on ways and means.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 149), relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

Committee Bill (Formerly House File 416), providing for special senior crossbow deer hunting licenses.

Fiscal Note is not required.

Recommended **Do Pass** March 2, 2005.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 61), relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 80), increasing the speed limit for vehicular traffic on the interstate highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

Pursuant to Rule 31.7, House File 513 was referred to the committee on ways and means.

Committee Bill (Formerly House Study Bill 152), relating to state department of transportation duties concerning its budget, distribution of state institutional, secondary, and farm-to-market road funds, vehicle weight restrictions, all-terrain vehicle use, and airport transferred to aviation authorities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 164), providing a sales and use tax exemption for certain appliances that meet the energy efficiency rating established for the appliance by the United States environmental protection agency and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

Committee Bill (Formerly House File 198), relating to the property tax levy for emergency services provided to residents of certain townships and including effective date and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

Committee Bill (Formerly House Study Bill 189), relating to the property taxation of nursing facilities and including effective and applicability date provisions.

Fiscal Note is required.

Recommended **Do Pass** March 2, 2005.

On motion by Jacobs of Polk the House adjourned at 7:06 p.m., until 8:45 a.m., Thursday, March 3, 2005.

JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 3, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Shurmaine Mc Alpine, pastor of the United Methodist Church, Woodbine. She was the guest of Representative Paul Wilderdyke from Harrison County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 2, 2005 was approved.

INTRODUCTION OF BILLS

House File 551, by Raecker, a bill for an act requiring a specific citation in published material, or in a radio or television announcement, which references a candidate's voting record.

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

House File 552, by Struyk, a bill for an act establishing the enactment of the postsecondary education subsidy provision as a substantial change in circumstances, allowing modification of a support order, and providing effective and retroactive applicability dates.

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

House File 553, by Murphy, a bill for an act requiring that preference be given, when considering bids and proposals for a state contract for data entry or call center services, to vendors through whom such work will be provided by United States citizens or persons authorized to work in the United States and providing for related matters and an effective date.

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

House File 554, by Mascher, a bill for an act relating to the termination of rental agreements including retaliation against a tenant for receiving police or emergency services and requiring good cause to terminate the rental of a mobile home space.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 555, by Davitt, a bill for an act relating to establishment of a deer harvest reporting system by the natural resource commission.

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

House File 556, by Ford, a bill for an act relating to compensation levels of direct care workers in nursing facilities.

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

House File 557, by Reichert, a bill for an act relating to a tax credit tracking study.

Read first time and referred to committee on **economic growth**.

House File 558, by Murphy, a bill for an act relating to municipal corporations providing electric service in the exclusive service area of another electric utility.

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

House File 559, by Miller, a bill for an act relating to cultural and philanthropic initiatives by establishing cultural and entertainment districts; providing sales, services, and use tax refunds, income tax deductions, and tax credits in relation to certain activities in cultural and entertainment districts; making appropriations; and providing contingent effectiveness and retroactive applicability dates.

Read first time and referred to committee on **economic growth**.

House File 560, by Davitt, Bell, Petersen, Freeman, Thomas and Lukan, a bill for an act establishing a public areas, recreation, and key spaces program and fund, making appropriations, and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 561, by Struyk and Dandekar, a bill for an act relating to requirements for economic development financial assistance used for construction purposes.

Read first time and referred to committee on **economic growth**.

House File 562, by Kuhn, Whitaker, Davitt, Frevert, Zirkelbach, Thomas, Miller, D. Taylor, Quirk and Mertz, a bill for an act relating to the sale of gasoline, by providing for ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

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

House File 563, by Ford, a bill for an act making an appropriation to develop model programs to reduce the incidence of obesity.

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

House File 564, by Thomas, a bill for an act providing an appropriation for county fair infrastructure.

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

House File 565, by Davitt, a bill for an act requiring governments to include an attribution statement in government-provided or government-paid advertising and making a penalty applicable.

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

House File 566, by Mascher, a bill for an act providing an Iowa individual income tax checkoff for domestic abuse services and providing for the Act's implementation.

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

House File 567, by Mascher, Heddens and Smith, a bill for an act requiring that public housing constructed using public funds incorporate minimum universal design standards relating to accessibility.

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

House File 568, by Ford, a bill for an act relating to the testing of private water supply wells for arsenic.

Read first time and referred to committee on **environmental protection**.

House File 569, by Davitt, a bill for an act relating to the dissemination of accident reports made by peace officers.

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

House File 570, by Ford, a bill for an act relating to the allocation of funds to be used for recruitment and retention of direct care workers.

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

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 First Regular Session of the Eighty-first General Assembly were presented to the following Pages by Speaker Rants, Majority Leader Gipp and Minority Leader Murphy:

Kaci Dannatt
Tyler Dorin
Spenser Frank
Holly Greider
Sara Micetich

Sarita Patnaik
Tyler Schipper
Andrea Skoog
Sarah Staron

The House rose and expressed its appreciation.

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

- | | |
|----------|--|
| 2005\608 | Marty Chipman, Bancroft – For celebrating her 94 th birthday. |
| 2005\609 | Jimmy Waters, Council Bluffs – For receiving 1 st place in the 160 lb. weight class in the Class 3-A Division of the 2005 State Wrestling Tournament. |
| 2005\610 | Mike Stamp, Council Bluffs – For receiving 1 st place in the 152 lb. weight class in the Class 3-A Division of the 2005 State Wrestling Tournament. |
| 2005\611 | Adam Manz, Council Bluffs – For receiving 2 nd place in the 140 lb. weight class in the Class 3-A Division of the 2005 State Wrestling Tournament. |
| 2005\612 | Lewis Central Wrestling Team, Council Bluffs – For receiving 2 nd place in the 152 lb. weight class in the Class 3-A Division of the 2005 State Wrestling Tournament. |
| 2005\613 | Rachel Bierbaum, Griswold – For being named Cass County Pork Producers Queen. |

SUBCOMMITTEE ASSIGNMENTS

House File 298

Local Government: Arnold, Chair; Jones and Whitead.

House File 387

Ways and Means: Drake, Chair; Lalk and Schueller.

House File 455

Ways and Means: Tomenga, Chair; Boal and Davitt.

House File 483

Public Safety: Sands, Chair; Baudler and Bell.

House File 485

Local Government: Arnold, Chair; D. Olson and Rasmussen.

House File 488

Judiciary: J.R. Van Fossen, Chair; Carroll and R. Olson.

House File 498

Judiciary: Hutter, Chair; Eichhorn and Winkler.

House File 499

Public Safety: Dolecheck, Chair; Rayhons and Shoultz.

House File 507

Agriculture: Mertz, Chair; Huseman and Rayhons.

House File 530

Local Government: Schickel, Chair; Huser and Jones.

House File 542

Agriculture: Lalk, Chair; Kuhn and Struyk.

House File 549

Public Safety: Alons, Chair; Baudler and R. Olson.

House File 555

Natural Resources: Rayhons, Chair; Baudler and Davitt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 131 Reassigned**

Commerce, Regulation and Labor: Struyk, Chair; T. Taylor and Wilderdyke.

House Study Bill 223

Human Resources: Carroll, Chair; Foege and Heaton.

House Study Bill 225

Human Resources: Roberts, Chair; Freeman and Wendt.

House Study Bill 226

Human Resources: Tomenga, Chair; Hutter and Smith.

House Study Bill 227

Human Resources: Hutter, Chair; Smith and Tomenga.

House Study Bill 236

Judiciary: Maddox, Chair; R. Olson and J.R. Van Fossen.

House Study Bill 237

Commerce, Regulation and Labor: Hoffman, Chair; Pettengill, Sands, Shomshor and Tomenga.

House Study Bill 240

Judiciary: Paulsen, Chair; Swaim and J.R. Van Fossen.

House Study Bill 243

Education: Kaufmann, Chair; Boal and Winckler.

House Study Bill 247

Agriculture: Struyk, Chair; Mertz and S. Olson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B 252 Human Resources**

Relating to the establishment of a direct care worker task force.

H.S.B. 253 Human Resources

Relating to information to be reported regarding an induced termination of pregnancy preformed on a minor, and making penalties applicable.

H.S.B. 254 Natural Resources

Relating to penalties for certain unlawful acts involving fish.

H.S.B. 255 State Government

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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 ECONOMIC GROWTH

Committee Bill (Formerly House File 264), establishing a statewide work-based learning intermediary network grant program and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 53), relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 169), providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 436), relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 145), relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1047** March 1, 2005.

RESOLUTION FILED

HR 15, by Hutter, a resolution honoring and celebrating the life of Iowa's own Johnny Carson.

Laid over under **Rule 25**.

AMENDMENT FILED

H—1047 S.F. 169 Committee on Public Safety

On motion by Gipp of Winneshiek, the House adjourned at 8:59 a.m., until 9:00 a.m., Friday, March 4, 2005.

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 4, 2005

The House met pursuant to adjournment at 9:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, House Majority Leader from Winneshiek County.

The Journal of Thursday, March 3, 2005 was approved.

INTRODUCTION OF BILLS

House File 571, by Fallon, a bill for an act establishing an Iowa clean election Act and fund, providing penalties, and providing effective and retroactive applicability dates.

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

House File 572, by Granzow, a bill for an act establishing a new bicycle user fee and making an appropriation.

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

House File 573, by Heddens, Smith, Hogg, Gaskill, Pettengill, J.R. Van Fossen, Hunter, Foege, Wessel-Kroeschell, Kressig, Miller, Frevert, Schueller, Zirkelbach, Swaim, Jochum, R. Olson, Berry, Mertz, Cohoon, Bell, Kuhn, Bukta, Murphy and Heaton, a bill for an act relating to childhood obesity and foods and beverages sold and served on public school campuses, providing for a task force, and providing an effective date.

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

House File 574, by Fallon, a bill for an act to require rate-regulated electric utilities to purchase a minimum amount of alternate energy and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 575, by Raecker, a bill for an act relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of a dealer's place of business, and providing for payment of costs and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 576, by Wilderdyke, a bill for an act concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions.

Read first time and referred to committee on **commerce, regulation and labor.**

House File 577, by Davitt and Lukan, a bill for an act relating to internet website redesign by the department of economic development.

Read first time and referred to committee on **economic growth.**

House File 578, by Boal, Elgin, Freeman, Jochum, McCarthy, Petersen, D. Taylor, Lukan and Dandekar, a bill for an act providing on-time funding for school districts with increasing enrollments, making an appropriation, and providing effective and applicability dates.

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

House File 579, by Wendt, a bill for an act establishing a one-year postsecondary readiness pilot program and making an appropriation.

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

House File 580, by committee on agriculture, a bill for an act relating to the administration of the Iowa egg council, including by

providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

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

House File 581, by committee on commerce, regulation and labor, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

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

House File 582, by committee on commerce, regulation and labor, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

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

House File 583, by committee on judiciary, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

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

House File 584, by committee on judiciary, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

House File 585, by committee on human resources, a bill for an act relating to assisted living programs and providing for a fee.

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

House File 586, by committee on human resources, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

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

House File 587, by committee on human resources, a bill for an act relating to adult day services regulation and providing penalties.

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

House File 588, by committee on environmental protection, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

House File 589, by committee on ways and means, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

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

House File 590, by committee on natural resources, a bill for an act providing for special senior crossbow deer hunting licenses.

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

House File 591, by committee on transportation, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, airport transfers to aviation authorities, and providing an effective date.

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

House File 592, by Frevert, a bill for an act providing for creditable service under the public safety peace officers' retirement system for service under certain prior city fire retirement and police retirement systems and providing an appropriation.

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

House File 593, by Mascher, Lensing, Winckler, Jochum, Hunter, Berry, Heddens, Cohoon, Zirkelbach, Jacoby, Foege, Oldson, Wessel-

Kroeschell, Reichert, Wendt, Whitead, T. Taylor, Bukta, D. Olson, Kressig, Davitt, Frevert and Schueller, a bill for an act requiring school districts and accredited nonpublic schools to have media centers and specialists and an elementary-secondary guidance program and providing for waivers.

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

House File 594, by Alons, Dolecheck, Chambers, Roberts, De Boef and Carroll, a bill for an act prohibiting the provision of state library services to, and certain use of state funds by, school districts, area education agencies, and public libraries that do not have in place nor enforce certain internet use policies and technology protection measures.

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

House File 595, by Drake, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

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

House File 596, by Mascher, Hunter, Foege, Lensing, Winckler, Jacoby, Oldson, Heddens, Fallon and Wessel-Kroeschell, a bill for an act prohibiting discrimination based upon a person's sexual orientation or gender identity under the Iowa civil rights Act.

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

House File 597, by Zirkelbach, Foege, Kuhn, Thomas and Wendt, a bill for an act relating to economic development assistance to facilities involved in aquaculture.

Read first time and referred to committee on **economic growth**.

House File 598, by Petersen, Wise, Quirk, Oldson, Jacoby, Miller, Mertz, Frevert, Bell and Wendt, a bill for an act relating to medical malpractice liability including the creation of a patient compensation fund for the payment of certain medical malpractice claims and making an appropriation.

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

House File 599, by D. Olson, a bill for an act creating an economic development internship program and fund, making appropriations, and providing a contingent effective date.

Read first time and referred to committee on **economic growth**.

House File 600, by Petersen, Kurtenbach, Oldson and Dolecheck, a bill for an act relating to the sale, issuance, and redemption of gift certificates including providing for abandonment, establishing restrictions on fees and charges, prohibiting expiration dates and other restrictive terms, and making penalties applicable.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 601, by Granzow and Soderberg, a bill for an act relating to a regulatory information and coordination service administered by the department of economic development.

Read first time and referred to committee on **economic growth**.

House File 602, by committee on environmental protection, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

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

House File 603, by committee on judiciary, a bill for an act relating to a contribution to a statewide nonprofit legal aid organization in a criminal proceeding.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 277, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, and providing a penalty.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 71, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 141, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 176, a bill for an act entering Iowa into the Midwestern higher education compact.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 205, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 71, by committee on agriculture, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

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

HOUSE FILE 533 REREFERRED

The Speaker announced that House File 533, previously **placed on calendar** was rereferred to committee on **ways and means**.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 245

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

House Study Bill 246

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 252

Human Resources: Freeman, Chair; Granzow and Wendt.

House Study Bill 253

Human Resources: Lukan, Chair; Hunter and Roberts.

House Study Bill 254

Natural Resources: May, Chair; Lykam and Rasmussen.

House Study Bill 255

State Government: Jochum, Chair; Paulsen and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 256 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents.

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 AGRICULTURE

Committee Bill (Formerly House File 328), providing for the regulation of livestock moved into this state, by requiring a certificate treatment, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 234), relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 217), relating to services and providers included under the volunteer health care provider program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House File 314), establishing requirements for persons contracting with the state to provide services.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House File 442), establishing a sex offender registry database task force within the department of administrative services.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 154), relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 155), revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House File 61), relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly and by political committees and state statutory political committees and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House File 242), relating to governmental employment by executive branch officials, state employees, and members of the general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 58), relating to elections and voter registration by requiring the election of township officers on a nonpartisan basis, prohibiting the processing of certain voter registration applications, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, striking the requirement that a voter's name be announced by a precinct election official, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, deleting the requirement for a separate affidavit envelope for absentee ballots, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, relating to the form prescribed for return carrier envelopes, allowing an immediate family member to return a voted absentee ballot in person to the commissioner's office, allowing an absentee voter to correct a deficiency in the affidavit returned with the voted absentee ballot, allowing the voting of replacement absentee ballots in certain circumstances, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provision declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 63), concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 64), relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 162), concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

AMENDMENTS FILED

H—1048	H.F.	277	Senate Amendment
H—1049	H.F.	419	Gaskill of Wapello

On motion by Lukan of Dubuque the House adjourned at 9:12 a.m., until 1:00 p.m., Monday, March 7, 2005.

JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 7, 2005

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Howard Vrankin, pastor of the First Lutheran Church, Newton. He was the guest of Representative Paul Bell from Jasper County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Waldorf Chamber Choir from Forest City. They were the guests of Representative Linda Upmeyer from Hancock County.

The Journal of Friday, March 4, 2005 was approved.

INTRODUCTION OF BILLS

House File 604, by D. Olson, a bill for an act relating to the transfer of the administration of vital records functions.

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

House File 605, by Mascher, Foege, Jochum, Winckler, Oldson, Wessel-Kroeschell, Lensing, Reichert, Heddens, Wendt, T. Taylor and Bukta, a bill for an act relating to human growth and development and health education under the education standards, authorizing school districts and nonpublic schools to provide comprehensive sexual health education, and establishing related duties for the director of the department of education.

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

House File 606, by committee on ways and means, a bill for an act providing a sales and use tax exemption for certain appliances that meet the energy efficiency rating established for the appliance by

the United States environmental protection agency and providing an effective date.

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

House File 607, by committee on ways and means, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

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

House File 608, by committee on judiciary, a bill for an act defining the term "possession" for purposes of the criminal law.

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

House File 609, by committee on economic growth, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate File 141, by Johnson, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

Senate File 176, by committee on education, a bill for an act entering Iowa into the midwestern higher education compact.

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

Senate File 205, by committee on agriculture, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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

SPECIAL PRESENTATIONS

De Boef of Keokuk introduced to the House the 2004 Iowa Junior Miss, Andrea Roberts from Millersburg.

The House rose and expressed its welcome.

Soderberg of Plymouth introduced to the House the Honorable Ralph Klemme former state representative from Plymouth County.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:10 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:17 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 610, by committee on commerce, regulation and labor, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

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

House File 611, by committee on commerce, regulation and labor, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

House File 612, by committee on commerce, regulation and labor, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

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

House File 613, by committee on commerce, regulation and labor, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas.

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

House File 614, by committee on commerce, regulation and labor, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means.

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

The House stood at ease at 3:19 p.m., until the fall of the gavel.

The House resumed session at 3:43 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of Murphy of Dubuque.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 506, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, was taken up for consideration.

SENATE FILE 114 SUBSTITUTED FOR HOUSE FILE 506

Soderberg of Plymouth asked and received unanimous consent to substitute Senate File 114 for House File 506.

Senate File 114, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, was taken up for consideration.

Soderberg of Plymouth 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. 114)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wendt

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

SENATE AMENDMENT CONSIDERED

Watts of Dallas called up for consideration **House File 277**, a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-1048:

H-1048

- 1 Amend House File 277, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 1, by striking the word and
- 4 figure "January 1," and inserting the following:
- 5 "January 31,".

The motion prevailed and the House concurred in the Senate amendment H-1048.

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. 277)

The ayes were, 93:

Alons	Anderson	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wessel-Kroeschell	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 6:

Arnold	Eichhorn	Fallon	Schueller
Thomas	Whitaker		

Absent or not voting, 1:

Wendt

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

Regular Calendar

House File 418, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1038 filed by her and moved its adoption:

H-1038

- 1 Amend House File 418 as follows:
- 2 1. Page 1, line 11, by striking the words "or
- 3 clinic".
- 4 2. Page 1, by inserting after line 11, the
- 5 following:
- 6 " _____. The public health clinic or nonprofit clinic
- 7 that ordered the services."
- 8 3. Page 1, line 18, by striking the word and
- 9 figure "subsection 5" and inserting the following:
- 10 "subsections 5 and 6".
- 11 4. Page 2, by inserting after line 4, the
- 12 following:
- 13 "6. This section does not prohibit claims or
- 14 charges for anatomic pathology services presented on
- 15 behalf of a public health clinic or nonprofit clinic
- 16 that ordered the services provided that the clinic is
- 17 identified on the claim or charge presented."
- 18 5. Page 2, line 5, by striking the figure "6."
- 19 and inserting the following: "7."
- 20 6. Page 2, line 8, by striking the figure "7."
- 21 and inserting the following: "8."
- 22 7. By renumbering as necessary.

Amendment H-1038 was adopted.

Tymeson of Madison 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. 418)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foega	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wessel-Kroeschell
Whitaker	Whitead	Wilderdye	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wendt

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 277, 418 and Senate File 114.**

HOUSE FILES 311 and 506 WITHDRAWN

Soderberg of Plymouth asked and received unanimous consent to withdraw House Files 311 and 506 from further consideration by the House.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 175, an Act relating to the names of business entities.

House File 197, an Act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

Senate File 113, an Act relating to nonsubstantive code corrections and including effective and retroactive applicability date 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

- | | |
|----------|---|
| 2005\614 | Richard "Dick" and Dorothy Garrison, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2005\615 | Harold Bravender, Waterloo – For celebrating his 83 rd birthday. |
| 2005\616 | Mary Segebarth, Waterloo – For celebrating her 90 th birthday. |
| 2005\617 | Donald Aswegan, Waterloo – For celebrating his 80 th birthday. |
| 2005\618 | William "Bill" Robinson, Waterloo – For celebrating his 80 th birthday. |
| 2005\619 | Ida Hale, Greenfield – For celebrating her 100 th birthday. |
| 2005\620 | Marvin and Ruby Byriel, Audubon – For celebrating their 60 th wedding anniversary. |

- 2005\621 Guy and Doris Jontz, Stuart – For celebrating their 60th wedding anniversary.
- 2005\622 Marvin and Laurel Nielson, Irwin – For celebrating their 50th wedding anniversary.
- 2005\623 Ed and Belva Peterson, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\624 Lucy Hall, Casey – For celebrating her 85th birthday.
- 2005\625 Mary L. Johnson, Davenport – For celebrating her 80th birthday.
- 2005\626 Amanda Larssen, Davenport – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 544

Human Resources: Kurtenbach, Chair; Hutter and Smith.

House File 552

Human Resources: Lukan, Chair; Freeman and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 238

Commerce, Regulation and Labor: Hoffman, Chair; Pettengill, Sands, Shomshor and Tomenga.

House Study Bill 239

Commerce, Regulation and Labor: Wilderdyke, Chair; Soderberg and D. Taylor.

House Study Bill 241

Human Resources: Carroll, Chair; Freeman and Wendt.

House Study Bill 248

Judiciary: Paulsen, Chair; Swaim and Tymeson.

House Study Bill 250

Natural Resources: J.R. Van Fossen, Chair; Rasmussen and Whitead.

House Study Bill 251

Human Resources: Upmeyer, Chair; Freeman and Heddens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 257 State Government

Relating to the executive council.

H.S.B. 258 Judiciary

Relating to an offer of settlement in a civil case and providing remedies.

H.S.B. 259 Environmental Protection

Relating to certification requirements for installers of geothermal heating units.

H.S.B. 260 Natural Resources

Relating to the regulation of all-terrain vehicles, establishing fees, and providing penalties.

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

Committee Bill (Formerly House File 407), requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House File 413), relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House File 465), relating to the transmission, installation, and use of computer software through deceptive or unauthorized means.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 170), relating to the regulation of hot water heating boilers for swimming pools and spas.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 210), relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

COMMITTEE ON EDUCATION

Committee Bill (Formerly House Study Bill 201), relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 45), relating to administrative rules for controlling fugitive dust.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2005.

Committee Bill (Formerly House Study Bill 158), relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON JUDICIARY

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 9), relating to workers' compensation insurance, benefits, and settlements, and related nonoccupational disability benefits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 196), relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly House Study Bill 198), relating to the appointment of a judicial officer, a clerk of the district court, or a chief juvenile court officer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House Study Bill 178), relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 244), restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House Study Bill 219), relating to distribution of secondary and farm-to-market road funds.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

AMENDMENT FILED

H—1050 H.F. 476 Davitt of Warren

On motion by Gipp of Winneshiek the House adjourned at 4:00 p.m., until 8:45 a.m., Tuesday, March 8, 2005.

JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Fortieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 8, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Wakelin, pastor of Bloomfield Christian Church, Bloomfield. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 7, 2005 was approved.

INTRODUCTION OF BILLS

House File 615, by Elgin, a bill for an act providing for the imposition of a regional lodging tax for regional promotion and projects.

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

House File 616, by committee on human resources, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

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

House File 617, by committee on human resources, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

House File 618, by committee on human resources, a bill for an act establishing requirements for persons contracting with the state to provide services.

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

House File 619, by committee on human resources, a bill for an act establishing a sex offender registry database task force within the department of administrative services.

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

House File 620, by committee on human resources, a bill for an act relating to the volunteer health care provider program and providing an effective date.

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

House File 621, by committee on public safety, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

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

House File 622, by committee on public safety, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

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

House File 623, by committee on agriculture, a bill for an act relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

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

House File 624, by committee on agriculture, a bill for an act providing for the regulation of livestock moved into this state,

including by requiring certain certificates and making penalties applicable.

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

House File 625, by Swaim, a bill for an act relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 626, by Shomshor, a bill for an act creating a special animal friendly motor vehicle registration plate, establishing fees, and making an appropriation.

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

House File 627, by Jochum and Murphy, a bill for an act relating to the residency requirements for city civil service employees.

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

House File 628, by Jochum, a bill for an act relating to changes in the state's election laws relating to the right of Iowa's citizens to vote and providing for the Act's implementation.

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

House File 629, by Bukta, Shomshor, Frevert, Wendt, Reasoner, Kuhn, Quirk, Lensing, Berry, Miller, Smith, Ford, Schueller, Davitt, Hoffman, Foegen, Wise, Horbach, Mascher, Cohoon, J.R. Van Fossen, Chambers, D. Taylor, Oldson, Murphy and S. Olson, a bill for an act creating a military family relief fund and providing an income tax checkoff for deposit in the fund, making an appropriation, and providing a retroactive applicability date.

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

House File 630, by T. Taylor, a bill for an act classifying employees within certain state positions as permanent employees of the state.

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

House File 631, by Wilderdyke, a bill for an act providing for the licensure of elevator mechanics and providing a penalty.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 632, by Wise, a bill for an act creating a special colorectal cancer awareness motor vehicle registration plate, establishing fees, and making an appropriation.

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

House File 633, by Zirkelbach, a bill for an act establishing an Iowa national guard law enforcement training scholarship program and making an appropriation.

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

House File 634, by D. Olson, a bill for an act relating to licensing requirements for drivers of vans used to transport railroad workers.

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

House File 635, by Mascher, a bill for an act relating to manual patient handling by nurses in a hospital setting.

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

House File 636, by Thomas, a bill for an act requiring health care providers, hospitals, and designated employees to inform patients of inclusion on the patient's insurance provider list under specified circumstances.

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

House File 637, by Gaskill, a bill for an act requiring certain information to be provided to the parent, guardian, or custodian of a child who is removed without a court order or is removed by an emergency court order and providing an applicability date.

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

House File 638, by Jochum, a bill for an act relating to patient access to providers under certain managed care health plans or indemnity plans.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 639, by committee on economic growth, a bill for an act establishing a statewide work-based learning intermediary network grant program and making an appropriation.

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

House File 640, by committee on natural resources, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

House File 641, by committee on state government, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

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

ADOPTION OF HOUSE RESOLUTION 5

Alons of Sioux called up for consideration **House Resolution 5**, a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Alons of Sioux introduced to the House Colonel Greg Schwab and the servicemen of the 132nd Fighter Wing of the Iowa Air National Guard.

The House rose and expressed its welcome.

REPORT OF THE CHIEF CLERK OF THE HOUSE

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

House Resolution 5

1. Page 2, line 7 – Change Iowa to U.S.

MARGARET A. THOMSON
Chief Clerk of the House

SENATE FILE 205 REREFERRED

The Speaker announced that Senate File 205, previously referred to committee on **agriculture** was **passed on file**.

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 8th day of March, 2005: House File 190.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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

2005\627 Richard and Frances Groeneweg, Rock Valley – For celebrating their 60th wedding anniversary.

2005\628 Byron and Doris Darrow, Anamosa – For celebrating their 70th wedding.

- 2005\629 Merle and Aleida Kruger, George – For celebrating their 60th wedding anniversary.
- 2005\630 Kati Hamlin, George – For receiving 1's at the State Piano Contest.
- 2005\631 Jean Mieras, Boyden – For celebrating her 90th birthday.
- 2005\632 Jennie Jansma, Rock Rapids – For celebrating her 94th birthday.
- 2005\633 Luke Satern, Humboldt – For receiving 1st place in the 135 lb. weight class in the class 2-A division of the 2005 State Wrestling Tournament.
- 2005\634 Elmo and Eleanor Tomlinson, Gilman – For celebrating their 65th wedding anniversary.
- 2005\635 Dorothy Held, Ventura – For celebrating her 80th birthday.
- 2005\636 Lloyd and Evelyn Runia, Sibley – For celebrating their 50th wedding anniversary.
- 2005\637 Franklin and Edna Mett, Hartley – For celebrating their 50th wedding anniversary.
- 2005\638 Emma Luttmann, Grinnell – For celebrating her 95th birthday.
- 2005\639 Leila Maring, Grinnell – For celebrating her 80th birthday.
- 2005\640 Melvin Verwers, Grinnell – For celebrating his 89th birthday.
- 2005\641 Bryon Starr, Clinton – For celebrating his 90th birthday.
- 2005\642 Mary Brophy, Davenport – For being named Irish Mother of the Year by the St. Patrick Society of the Quad Cities.
- 2005\643 Austin Baier, Nodaway Valley High School – For winning 1st place in the 125 lb. weight class in the class 1-A Division of the 2005 State Wrestling Tournament.
- 2005\644 Jim Christensen, Fontanelle – For being inducted into the Iowa Wrestling Officials Hall of Fame.
- 2005\645 Tim Baier, Fontanelle – For being inducted into the Iowa Wrestling Officials Hall of Fame.
- 2005\646 Edgar Vaske, Cascade – For celebrating his 102nd birthday.
- 2005\647 Vivian Taylor, Dysart – For celebrating her 100th birthday.
- 2005\648 Mildred Bohnstengel, Tama – For celebrating her 81st birthday.

- 2005\649 Dennis and Helen Wieben, Dysart – For celebrating their 50th wedding anniversary.
- 2005\650 Dorothy Held, Ventura – For celebrating her 80th birthday.
- 2005\651 Delmar and Ellen Mollenbeck, Hampton – For celebrating their 50th wedding anniversary.
- 2005\652 Elsie Rockow-Schroeder, Dows – For celebrating her 80th birthday.
- 2005\653 Kenneth and Blanche Lincicum, Clear Lake – For celebrating their 60th wedding anniversary.
- 2005\654 Leland “PeeWee” Rezab, Plymouth – For celebrating his 80th birthday.
- 2005\655 Dick and Pauline Nickerson, Clear Lake – For celebrating their 55th wedding anniversary.
- 2005\656 Jerry and Lori Wauters, Elberon – For receiving the Iowa Good Neighbor Award.
- 2005\657 Andrew Louvau, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in Boy Scouts of America.
- 2005\658 J.J. Gerard, Mason City – For celebrating his 92nd birthday.
- 2005\659 Frances Graner, Mason City – For celebrating her 90th birthday.
- 2005\660 Helen Glaspey, Mason City – For celebrating her 87th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 551

State Government: Raecker, Chair; Roberts and T. Taylor.

House File 552 Reassigned

Human Resources: Lukan, Chair; Berry and Freeman.

House File 573

Education: Granzow, Chair; Foege and Tomenga.

House File 578

Education: Boal, Chair; Hogg and Paulsen.

House File 579

Education: Chambers, Chair; Roberts and Wendt.

House File 593

Education: Carroll, Chair; Mascher and Soderberg.

House File 594

Education: Dolecheck, Chair; Chambers and Mascher.

House File 598

Judiciary: Paulsen, Chair; Jochum and Tymeson.

House File 605

Education: Kaufmann, Chair; Chambers and Mascher.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 225 Reassigned**

Human Resources: Roberts, Chair; Freeman and Smith.

House Study Bill 242

Government Oversight: Alons, Chair; Baudler and Lensing.

House Study Bill 244

Economic Growth: Soderberg, Chair; Granzow and Reichert.

House Study Bill 249

Judiciary: Eichhorn, Chair; Alons and R. Olson.

House Study Bill 257

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

House Study Bill 258

Judiciary: Anderson, Chair; Paulsen and Swaim.

House Study Bill 260

Natural Resources: Tjepkes, Chair; Frevert and Lukan.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 261 Commerce, Regulation and Labor

Relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

H.S.B. 262 Commerce, Regulation and Labor

Relating to exempting certain customers from participation in energy efficiency plan requirements of electric utilities.

H.S.B. 263 State Government

Relating to the licensure of gambling treatment programs.

H.S.B. 264 Judiciary

Relating to surrender of motor vehicle registrations upon conviction for a second or subsequent offense of operating while intoxicated, issuance of special series motor vehicle registration plates, providing a fee and an appropriation, and providing penalties.

H.S.B. 265 Commerce, Regulation and Labor

Relating to awards of noneconomic damages in civil cases involving a nonprofit organization that employs disabled employees.

H.S.B. 266 Oversight

Relating to purchases made by state agencies using a state procurement card.

H.S.B. 267 Natural Resources

Relating to the regulation of snowmobiles, establishing fees, and providing penalties.

H.S.B. 268 Economic Growth

Relating to vertical infrastructure funding by providing for the crediting of gambling revenues, authorizing the issuance of bonds to provide vertical infrastructure funding, and making appropriations.

H.S.B. 269 Human Resources

Relating to crimes against members of the species *Homo sapiens* at any stage of development and making penalties applicable.

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 ECONOMIC GROWTH

Committee Bill (Formerly House File 264), establishing a statewide work-based learning intermediary network grant program and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Pursuant to Rule 31.7, House File 639 was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 342), relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 101), relating to the regulation of elder group homes and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 149), relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for

penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

Pursuant to Rule 31.7, House File 640 was referred to the committee on ways and means.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 62), prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 331), relating to the issuance of traffic citations for railroad crossing violations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House File 263), allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

RESOLUTION FILED

HR 16, by Mascher, a resolution requesting the establishment of a legislative interim study committee to review the physical education requirements for students under the state's educational standards.

Laid over under **Rule 25**.

AMENDMENT FILED

H-1051 H.F. 538 Heddens of Story

On motion by Gipp of Winneshiek the House adjourned at 9:04 a.m., until 8:45 a.m., Wednesday, March 9, 2005.

JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day - Forty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 9, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Chris Fontanini, Vocations Director of the Greater Des Moines Catholic Dioceses and Chaplain of the St. Thomas More Center, Des Moines. He was the guest of Representative Walt Tomenga from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 8, 2005 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 4, by Gipp and Murphy, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

House File 642, by committee on agriculture, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

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

House File 643, by committee on environmental protection, a bill for an act relating to administrative rules for controlling fugitive dust.

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

House File 644, by committee on state government, a bill for an act relating to elections and voter registration by prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

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

House File 645, by committee on state government, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

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

House File 646, by committee on state government, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and

revocation of certain gambling licenses by the department of inspections and appeals.

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

House File 647, by committee on state government, a bill for an act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly, establishing a filing deadline for all statements and reports, providing a penalty, and providing applicability dates.

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

House File 648, by committee on state government, a bill for an act relating to state agency employment opportunities for members of the general assembly within two years after the termination of service.

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

House File 649, by R. Olson, a bill for an act relating to a probation period following certain periods of driver's license suspension, revocation, or bar.

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

House File 650, by Ford, a bill for an act relating to the responsibilities of the child development coordinating council and the standing appropriation for programs for at-risk children.

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

House File 651, by Jochum, a bill for an act relating to continuity of care for cancer treatment and providing an effective date and retroactive applicability.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 652, by R. Olson, a bill for an act providing for the reinstatement of a person's driver's license or nonresident operating privilege relating to an operating-while-intoxicated offense not resulting in a conviction or deferred judgment.

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

House File 653, by Ford and Berry, a bill for an act repealing the maximum accumulation of earned time credits of approximately fifteen percent of a criminal sentence of confinement.

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

House File 654, by Thomas and Kuhn, a bill for an act relating to economic development initiatives by providing for the Iowa agricultural industry finance Act, providing for the repayment of moneys loaned by the department of economic development to a corporation, providing for the allocation of those moneys, and providing effective dates.

Read first time and referred to committee on **economic growth**.

House File 655, by Jones and Smith, a bill for an act exempting from the sales and use taxes certain medical assistive devices for use by persons with a mental or physical impairment.

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

House File 656, by Ford, a bill for an act making appropriations to the department of human rights for the divisions on the status of African-Americans, Iowans of Asian and Pacific Islander heritage, and Latino affairs.

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

House File 657, by Jochum, a bill for an act to delay the issuance of executions in forcible entry or detention actions for tenancies in manufactured and mobile home parks.

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

House File 658, by Hunter, a bill for an act relating to fees for special motor vehicle registration plates issued to disabled veterans.

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

House File 659, by Smith, a bill for an act relating to the provision of child support and postsecondary education subsidies for nonmarital children.

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

House File 660, by Ford, a bill for an act relating to videorecording of eluding or attempting to elude a pursuing law enforcement vehicle.

Read first time and referred to committee on **public safety**.

House File 661, by Elgin, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a permit fee.

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

House File 662, by Gaskill, a bill for an act relating to the termination of a franchise agreement granted by a city to a rate-regulated electric utility.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 663, by Lukan, a bill for an act relating to a sales tax exemption for bingo operations run by certain charitable organizations.

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

House File 664, by Mascher, Foege, Jacoby and Lensing, a bill for an act designating lake Macbride as a protected water area.

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

House File 665, by Ford, a bill for an act prohibiting the use of credit information for underwriting or rating risks for personal insurance and providing penalties and an applicability date.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 666, by Whitaker, a bill for an act relating to competitive local exchange service providers.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 667, by Hunter, a bill for an act concerning veterans, relating to employment preference and other benefits.

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

House File 668, by Ford, a bill for an act providing for establishment of a task force to study the creation of a single state department with responsibility for juvenile justice services and programs and including an effective date.

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

House File 669, by committee on environmental protection, a bill for an act relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

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

House File 670, by committee on economic growth, a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

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

House File 671, by committee on judiciary, a bill for an act relating to the procedures and duties of the judicial branch, making

an appropriation to the enhanced court collections fund, and providing for fees.

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

House File 672, by committee on local government, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

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

House File 673, by committee on natural resources, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

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

House File 674, by committee on transportation, a bill for an act relating to distribution of secondary and farm-to-market road funds.

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

House File 675, by Tymeson, Upmeyer, Chambers and Heaton, a bill for an act relating to early childhood programs available through the community empowerment initiative.

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

ADOPTION OF HOUSE RESOLUTION 12

Murphy of Dubuque, Schueller of Jackson, Zirkelbach of Jones, Jochum of Dubuque and Lukan of Dubuque called up for consideration **House Resolution 12**, a resolution congratulating Dubuque Main Street Limited, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Jacobs of Polk, the House was recessed at 9:07 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:01 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 676, by Jacobs, a bill for an act authorizing a city to sell land gifted or dedicated to a city for park purposes.

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

House File 677, by Bukta, a bill for an act requiring elections to be conducted by mail ballots and providing penalties.

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

House File 678, by Hutter, a bill for an act relating to the approval of attorney fees when representing an indigent person.

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

House File 679, by Jacoby, a bill for an act relating to the criminal offense of interference with official acts.

Read first time and referred to committee on **public safety**.

House File 680, by Hunter, a bill for an act providing an Iowa individual income tax checkoff for qualified Iowa zoos, making an appropriation, and providing for the Act's implementation.

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

House File 681, by committee on judiciary, a bill for an act relating to workers' compensation insurance, benefits, and settlements.

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

House File 682, by committee on judiciary, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

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

House File 683, by committee on judiciary, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

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

House File 684, by committee on public safety, a bill for an act allowing a nonresident person who possesses a valid out-of-state weapons permit to carry weapons in this state under reciprocity conditions.

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

House File 685, by committee on public safety, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

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

House File 686, by committee on education, a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control.

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

House File 687, by committee on transportation, a bill for an act relating to the issuance of traffic citations for railroad crossing violations.

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

House File 688, by Alons and Raecker, a bill for an act to privatize the pool of passenger motor vehicles maintained and operated by the department of administrative services.

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

House File 689, by Kaufmann, a bill for an act providing for income tax credits for the cost of purchasing health insurance

coverage by certain small employers and providing effective and retroactive applicability dates.

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

House File 690, by Jochum, a bill for an act relating to the sales and use taxes on the operation of bingo games.

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

House File 691, by Ford, a bill for an act relating to state purchasing preferences and goals for minority-owned targeted small business.

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

House File 692, by Shomshor, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 9, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 418, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

Also: that the Senate has on March 9, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 264, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Also: that the Senate has on March 9, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 270, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

Also: that the Senate has on March 9, 2005, concurred in the House amendment and adopted the following resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 270, by committee on commerce, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

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

Senate File 264, by committee on commerce, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

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

The House stood at ease at 4:05 p.m., until the fall of the gavel.

The House resumed session at 4:55 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS

Regular Calendar

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Baudler of Adair offered amendment H-1047 filed by the committee on public safety as follows:

H-1047

1 Amend Senate File 169, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 124.212, subsection 4, Code
6 2005, is amended by striking the subsection and
7 inserting in lieu thereof the following:

8 4. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE.

9 Unless specifically excepted in paragraph "d" or
10 listed in another schedule, any material, compound,
11 mixture, or preparation which contains any quantity of
12 the following precursors to amphetamine or
13 methamphetamine, including their salts, optical
14 isomers, and salts of their optical isomers:

15 a. Ephedrine.

16 b. Phenylpropanolamine.

17 c. Pseudoephedrine. A person shall not purchase
18 more than seven thousand five hundred milligrams of
19 pseudoephedrine within a thirty-day period from a
20 pharmacy, unless the person has a prescription for a
21 pseudoephedrine product in excess of that quantity.

22 d. A pseudoephedrine product warehoused by a
23 distributor located in this state which is warehoused
24 for export to a retailer outside this state is
25 excepted from this schedule. A distributor
26 warehousing and exporting a pseudoephedrine product
27 shall register with the board and comply with any
28 rules adopted by the board relating to the diversion
29 of pseudoephedrine products from legitimate commerce.

30 Sec. 2. NEW SECTION. 124.213 PHARMACY
31 PSEUDOEPHEDRINE SALE RESTRICTION - PENALTY.

32 A person who purchases more than seven thousand
33 five hundred milligrams of pseudoephedrine from a
34 pharmacy in violation of section 124.212 within a
35 thirty-day period commits a serious misdemeanor.

36 Sec. 3. Section 602.8105, subsection 4, Code 2005,
37 is amended by striking the subsection.

38 Sec. 4. Section 805.8C, subsection 6, Code 2005,
39 is amended by striking the subsection.

40 Sec. 5. PSEUDOEPHEDRINE - PREEMPTION. A
41 political subdivision of the state shall not adopt an
42 ordinance regulating the display or sale of products
43 containing pseudoephedrine. An ordinance adopted in
44 violation of this section is void and unenforceable
45 and any enforcement activity of an ordinance in
46 violation of this section is void.

47 Sec. 6. DRUG POLICY COORDINATOR – REPORT. The
 48 drug policy coordinator shall report, in a joint
 49 meeting, to the committee on judiciary of the senate
 50 and the committee on public safety of the house of

Page 2

1 representatives in January 2006 and in January 2007,
 2 the effects of this Act on methamphetamine abuse and
 3 related criminal activity.

4 Sec. 7. Sections 126.23A and 714.7C, Code 2005,
 5 are repealed.

6 Sec. 8. EFFECTIVE DATES. This Act takes effect
 7 sixty days from the date of enactment or July 1, 2005,
 8 whichever is earlier. However, the portion of the
 9 section of this Act amending section 124.212,
 10 subsection 4, which makes all ephedrine products
 11 schedule V controlled substances, takes effect upon
 12 enactment."

Watts of Dallas asked and received unanimous consent to withdraw amendment H-1052 to the committee amendment H-1047 filed by him from the floor.

On motion by Baudler of Adair, the committee amendment H-1047 was adopted.

Fallon 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. 169)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.

Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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 169** be immediately messaged to the Senate.

HOUSE FILE 595 REREFERRED

The Speaker announced that House File 595, previously referred to committee on **judiciary** was rereferred to committee on **human resources**.

HOUSE FILE 625 REREFERRED

The Speaker announced that House File 625, previously referred to committee on **public safety** was rereferred to committee on **judiciary**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 7, 2005. Had I been present, I would have voted "aye" on House Files 277 and 418 and "aye" on Senate File 114.

WENDT of Woodbury

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

- 2005\661 Luetta Carlson, Paullina – For celebrating her 90th birthday.
- 2005\662 Loretta Davis, Oelwein – For celebrating her 96th birthday.
- 2005\663 Letha Bunn, Maynard – For celebrating her 95th birthday.
- 2005\664 Russ White, Oelwein – For celebrating his 80th birthday.
- 2005\665 Marie Tegtmeier, Sumner – For celebrating her 85th birthday.
- 2005\666 Karoll Williams, Oelwein – For celebrating her 85th birthday.
- 2005\667 Virgil and Joyce Kehe, Readlyn – For celebrating their 60th wedding anniversary.
- 2005\668 Robert and June Tangen, West Union – For celebrating their 50th wedding anniversary.
- 2005\669 Bill and Joanne Hunter, Newton – For celebrating their 50th wedding anniversary.
- 2005\670 Kurt Simon, Humbolt – For receiving 2nd place in the 140 lb. weight class in the class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\671 Craig Kremen, Tipton – For receiving 2nd place in the 171 lb. weight class in the 1-A Division of the 2005 State Wrestling Tournament.
- 2005\672 Chad Beatty, Moscow – For winning 1st place in the 171 lb. weight class in the Class 2-A Division of the 2005 State Wrestling Tournament.
- 2005\673 Marvene Guyer, Durant – For celebrating her 80th birthday.
- 2005\674 Mr. and Mrs. William Ketelsen, Durant – For celebrating their 50th wedding anniversary.
- 2005\675 Betty Carson, Independence – For celebrating her 85th birthday.
- 2005\676 Howard Arnold, Aurora – For celebrating his 90th birthday.

- 2005\677 Jim and JoAnn Willis, Libertyville – For celebrating their 50th wedding anniversary.
- 2005\678 Lenard and Marlys Geater, Vinton – For celebrating their 50th wedding anniversary.
- 2005\679 Washington High School Speech Students, Vinton – For receiving Division I rating at the South East District Large Group Speech contest.
- 2005\680 Loretta Greiner, Keota – For celebrating her 85th birthday.
- 2005\681 Darlene Greiner, Keota – For celebrating her 80th birthday.
- 2005\682 Norman and Lois Collins, Sigourney – For celebrating their 50th wedding anniversary.
- 2005\683 David and Gayle Rhinehart, Victor – For celebrating their 65th wedding anniversary.
- 2005\684 Evalena Dale, Brooklyn – For celebrating her 90th birthday.
- 2005\685 Llyod and Meralene Lee, Salem – For celebrating their 50th wedding anniversary.
- 2005\686 Eldon and Mildred Sear, Dubuque – For celebrating their 65th wedding anniversary.
- 2005\687 Clarinda Cardinals Boys Basketball Team and coaches Brent Douma, Rodney Eberly and Joel Bartz of Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball, their first championship since 1976,
- 2005\688 Anthony Davis, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\689 Tyler Beery, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\690 Steven Lydick, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\691 Hunter Driscoll, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\692 Jared Moore, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\693 Matthew Ulmer, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.

- 2005\694 James Chrouser, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\695 Grant Mosier, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\696 Jordan Moore, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\697 Keoni Hartstack, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\698 Jordan Moses, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\699 Jared Sunderman, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\700 Andrew Stimson, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\701 Scott Brown, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\702 Dustin Skahill, Clarinda – For winning the 2005 Hawkeye 10 Conference Championship in Boys Basketball.
- 2005\703 Iva Crouse, Sigourney – For celebrating her 110th birthday.
- 2005\704 Lynn Jacobsen and the Danville High School Drama Students, Danville – For receiving 2nd place in the All-State Competition.

SUBCOMMITTEE ASSIGNMENTS

House File 527

Education: Soderberg, Chair; Bukta and Roberts.

House File 541

Education: Dolecheck, Chair; Ford and Tomenga.

House File 546

Education: Paulsen, Chair; Tymeson and Wise.

House File 547

Education: Raecker, Chair; Chambers and Hogg.

House File 576

Commerce, Regulation and Labor: Wilderdyke, Chair; Struyk and D. Taylor.

House File 631

Commerce, Regulation and Labor: Wilderdyke, Chair; Struyk and D. Taylor.

House File 633

Education: Tomenga, Chair; Chambers and Cohoon.

House File 675

Human Resources: Tymeson, Chair; Foegen, Heaton, Petersen and Upmeyer.

Senate File 176

Education: Tymeson, Chair; Chambers and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 261**

Commerce, Regulation and Labor: Quirk, Chair; Horbach and Jenkins.

House Study Bill 262

Commerce, Regulation and Labor: Soderberg, Chair; Jacoby and Watts.

House Study Bill 263

State Government: Upmeyer, Chair; Boal and Jochum.

House Study Bill 264

Judiciary: Kaufmann, Chair; Berry and Tymeson.

House Study Bill 265

Commerce, Regulation and Labor: Horbach, Chair; Jenkins and Oldson.

House Study Bill 266

Government Oversight: Alons, Chair; Eichhorn and Winckler.

House Study Bill 267

Natural Resources: Lukan, Chair; Frevert and Tjepkes.

House Study Bill 269

Human Resources: Roberts, Chair; Carroll and Hunter.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 270 Environmental Protection**

Relating to the replacement of groundwater sources and coverage under the remedial account of the Iowa comprehensive petroleum underground storage tank fund.

H.S.B. 271 Education

Providing for inclusion of funding for returning dropout and dropout prevention programs within the school finance formula, and providing effective and applicability dates.

H.S.B. 272 Agriculture

Regulating the disposal of used cooking grease, providing fees, and providing penalties.

H.S.B. 273 Commerce, Regulation and Labor

Relating to the regulation and supervision of title insurance agents, to the sale of title insurance, providing for penalties, and providing for effective and applicability dates.

H.S.B. 274 Commerce, Regulation and Labor

Relating to antitrust activities of cable television service providers and providing for civil remedies.

H.S.B. 275 Appropriations

Relating to and making appropriations to the judicial branch, and providing an effective date.

H.S.B. 276 Appropriations

Relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

H.S.B. 277 Appropriations

Relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

H.S.B. 278 Appropriations

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

H.S.B. 279 Appropriations

Relating to and making appropriations to the justice system.

H.S.B. 280 Judiciary

Relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

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 AGRICULTURE

Committee Bill (Formerly House File 226), relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 542), relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 247), relating to animal feeding operations, by providing for chronic complaints.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House File 115), providing for the licensing and regulation of mortgage originators, providing fees and penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 15), relating to awards of noneconomic damages against health care providers.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 88), relating to the characterization of personal injuries for purposes of workers' compensation liability.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 130), relating to the labor commissioner's regulatory duties and responsibilities regarding occupational safety and health, including training for inspections and investigations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 131), concerning authorized testing substances for private sector employee drug testing.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 211), relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 231), relating to access to dependent adult abuse information and unemployment compensation claims.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 233), concerning public employee collective bargaining.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 122), creating a women entrepreneurs in business program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 238), relating to tourism marketing by the department of economic development and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House File 284), relating to the establishment of rural improvement zones.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 425), relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from the property taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 53), relating to transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Pursuant to Rule 31.7, House File 670 was referred to the committee on ways and means.

Committee Bill (Formerly House Study Bill 139), relating to state individual income tax exemptions for residents of border cities, replacement local option sales and services and property tax, and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House File 166), relating to the acceptance of empty beverage containers by dealers of beverages, the reimbursement amount paid by a distributor for empty beverage containers, a property tax exemption for glass recyclers, and providing civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House File 414), relating to persons commercially cleaning private sewage disposal facilities by providing regulations, fees, and civil penalties, requiring cities to regulate the division of certain land outside city boundaries and accept certain septage from subdivisions approved by cities outside city boundaries, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House File 489), relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

COMMITTEE ON JUDICIARY

House File 498, a bill for an act prescribing the frequency of a guardian ad litem's visits to the residence of a child.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 196), relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2005.

Pursuant to Rule 31.7, House File 671 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 209), relating to the assessment of a civil penalty upon the entry of a deferred judgment.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 236), authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 232), allowing counties to share the services of certain elective county officers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 341), providing procedures for a rural water district to transfer to a city utility its right to provide water service and for dissolution of the district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House File 304), relating to deer population management and providing penalties and appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 250), relating to wild animals, by providing for their regulation, providing for fees and appropriations, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 260), relating to the regulation of all-terrain vehicles, establishing fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 267), relating to the regulation of snowmobiles, establishing fees, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 483), establishing the child identification and protection Act, which prohibits the fingerprinting of children and providing for exceptions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 549), allowing a nonresident person who possesses a valid out-of-state weapons permit to carry weapons in this state under reciprocity conditions.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 24), allowing an advanced registered nurse practitioner to certify an alleged intoxicated driver's death or other incapacitated state for purposes of chemical testing and to administer a chemical test of bodily fluids, without a warrant, to a person suspected of driving while intoxicated.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 40), relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

COMMITTEE ON STATE GOVERNMENT

House File 59, a bill for an act providing for the determination of partisan balance on boards and commissions and including an applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House File 104), prohibiting the publication of certain false statements of fact made with actual malice concerning a candidate for public office and providing remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 326), relating to the improper influence of executive branch officials, executive branch employees, members of the general assembly, and legislative employees, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House File 365), relating to eligibility of certain members of the reserve forces of the United States and the Iowa national guard for the military service tax credit and exemption and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 21), relating to the recognition and registration of professional employer organizations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 29), relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 45), providing for state employee payroll deductions for Iowa educational savings plan trust contributions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 62), relating to the ethical conduct of state and local officials and employees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 163), establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 166), relating to the Iowa public employees' retirement system and the judicial retirement system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 191), relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Committee Bill (Formerly House Study Bill 192), relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, peace officer status for national guard personnel performing certain missions, and the use of the national incident management system for state emergencies.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

RESOLUTIONS FILED

HCR 9, by Winkler and Maddox, a concurrent resolution designating March 2005 as Iowa Women's History Month.

Laid over under **Rule 25**.

HR 17, by Quirk, a resolution to recognize the sesquicentennial of the town of New Hampton, Iowa.

Laid over under **Rule 25**.

AMENDMENT FILED

H—1053 H.F. 608 Smith of Marshall

On motion by Gipp of Winneshiek the House adjourned at 5:14 p.m., until 8:45 a.m., Thursday, March 10, 2005.

JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 10, 2005

The House met pursuant to adjournment at 8:47 a.m., Speaker Rants in the chair.

"The Lords Prayer" was sung by Senate Page, Ellen Harris from Ankeny. She was the guest of Representative Carmen Boal from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 9, 2005 was approved.

INTRODUCTION OF BILLS

House File 693, by Ford, a bill for an act requiring secondary school students to take a college entrance examination prior to graduating from high school and making an appropriation.

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

House File 694, by Fallon, Whitaker and Swaim, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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

House File 695, by Thomas, a bill for an act relating to a regional business assistance cooperative.

Read first time and referred to committee on **economic growth**.

House File 696, by Kaufmann, a bill for an act authorizing voluntary health care purchasing pools for certain employers.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 697, by Mascher, a bill for an act relating to the imposition of a countywide hotel and motel tax.

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

House File 698, by committee on economic growth, a bill for an act relating to tourism marketing by the department of economic development and making appropriations.

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

HOUSE FILE 658 REREFERRED

The Speaker announced that House File 658, previously referred to committee on **state government** was rereferred to committee on **transportation**.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 10, 2005, he approved and transmitted to the Secretary of State the following bill:

Senate File 75, an Act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF PUBLIC HEALTH

Bureau of Health Statistics status report for 2004, pursuant to Chapter 1175, 2004 Iowa Acts.

2004 Report on Anatomical Gifts Annual Donation and Compliance, pursuant to Chapter 142C.17, Code of Iowa.

STATE OF IOWA
Alcoholic Beverages Division

Fiscal Year 2004 annual report, pursuant to Chapter 123, 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

- 2005\705 Dorothy Amfahr, Jesup – For celebrating her 92nd birthday.
- 2005\706 Ivan and Marlene Steinbeck, Independence – For celebrating their 50th wedding anniversary.
- 2005\707 Jim “The Bear” Wheeler, West Branch – For being inducted into the Iowa High School Golf Coaches Hall of Fame.

SUBCOMMITTEE ASSIGNMENTS

House File 595

Human Resources: Carroll, Chair; Foege and Heaton.

House File 625

Judiciary: Swaim, Chair; Hutter and J.R Van Fossen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 271

Education: Paulsen, Chair; Tymeson and Wendt.

House Study Bill 272

Agriculture: S. Olson, Chair; Mertz and Struyk.

House Study Bill 273

Commerce, Regulation and Labor: Jacobs, Chair; Oldson and Sands.

House Study Bill 274

Commerce, Regulation and Labor: Freeman, Chair; Jenkins and Quirk.

House Study Bill 280

Judiciary: Eichhorn, Chair; Swaim and J.R. Van Fossen.

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 AGRICULTURE

Committee Bill (Formerly House File 435), providing for the regulation of commercial canine operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 490), relating to the keeping of farm deer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 507), providing for the liability of a landowner who provides for drainage.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 235), relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly House File 353), relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 187), providing for the privatization of the state liquor warehouse, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005

Committee Bill (Formerly House Study Bill 212), relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 230), repealing registration requirements for construction contactors and providing for related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

COMMITTEE ON EDUCATION

House File 118, a bill for an act relating to school reorganization by allowing certain landowners in a reorganizing school district to petition to join a contiguous school district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1055** March 9, 2005.

House File 454, a bill for an act requiring the state board of education to adopt rules establishing criteria for the approval of requests submitted by school districts for early school start dates.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House File 303), relating to the inclusion of kindergarten and prekindergarten pupils in the actual enrollment of a school district.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House File 409), relating to education technology, including the creation of an Iowa learning technology commission and pilot program, establishment of a research triangle and clearinghouse, and allowing for the use of physical plant and equipment levy revenues for education technology.

Fiscal Note is note required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 20), relating to driver education by a teaching parent.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 228), relating to the Iowa early intervention block grant program by changing the distribution method and reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 243), relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, eliminating an early school start date penalty, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, expanding the penalties for school bus drivers in violation of Code requirements, revising requirements for prior authorization and a certificate of need for local option and services tax for school infrastructure fund use, and reinstating open enrollment eligibility under a certain circumstance related to desegregation plans.

Fiscal Note is not required

Recommended **Amend and Do Pass** March 9, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 238), relating to tourism marketing by the department of economic development and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 698 was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 325), creating a prescription drug donation and redispensing pilot program, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House File 552), establishing the enactment of the postsecondary education subsidy provision as a substantial change in circumstances, allowing modification of a support order, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 124), relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 176), providing for the Iowa department of public health to administer the Iowa food code in place of the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 223), relating to mental health, mental retardation, developmental disabilities, and brain injury services and the services fund administered by counties by revising levy provisions applicable to that fund and providing for county administration of services on behalf of the state, and including an effective and applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 225), relating to programs and functions under the purview of the Iowa department of public health and providing criminal penalties and civil remedies.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 226), providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 227), making changes relating to the practice of pharmacy, establishing fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 241), relating to the providing of another business or activity in a health care facility.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 251), establish an advanced practice registered nurse compact and including a future repeal.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 252), relating to the establishment of a direct care worker task force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 253), relating to information to be reported regarding an induced termination of pregnancy preformed on a minor, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House Study Bill 69), relating to family law provisions including dissolution of marriage and domestic relations, termination of parental rights proceedings, and postsecondary education subsidy provisions, providing an effective date, and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 76), relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 138), relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 140), relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 240), relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 248), requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability insurance for health care providers in Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 249), relating to liens associated with agricultural production, by providing for the termination of those liens.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Committee Bill (Formerly House Study Bill 280), relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House Study Bill 46), expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

AMENDMENTS FILED

H—1054	H.F.	642	Kuhn of Floyd
H—1055	H.F.	118	Committee on Education
H—1056	H.F.	642	Kuhn of Floyd

On motion by Gipp of Winneshiek the House adjourned at 8:56 a.m., until 9:00 a.m., Friday, March 11, 2005.

JOURNAL OF THE HOUSE

Sixty-first Calendar Day - Forty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 11, 2005

The House met pursuant to adjournment at 9:02 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by Becky Lorenz, Confidential Secretary to the Speaker of the House.

The Journal of Thursday, March 10, 2005 was approved.

INTRODUCTION OF BILLS

House File 699, by Wendt, a bill for an act providing for the establishment of an Iowa educator professional growth program, making an appropriation, and including effective and applicability date provision.

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

House File 700, by committee on agriculture, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

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

House File 701, by committee on agriculture, a bill for an act relating to animal feeding operations, by providing for chronic complaints.

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

House File 702, by committee on commerce, regulation and labor, a bill for an act relating to the responsibilities of divisions within the department of workforce development, including training for occupational safety and health inspections and investigations, and certain workers' compensation benefits.

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

House File 703, by committee on commerce, regulation and labor, a bill for an act concerning authorized testing substances for private sector employee drug testing.

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

House File 704, by committee on commerce, regulation and labor, a bill for an act relating to awards of noneconomic damages against health care providers.

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

House File 705, by committee on commerce, regulation and labor, a bill for an act relating to the characterization of personal injuries for purposes of workers' compensation liability.

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

House File 706, by committee on commerce, regulation and labor, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

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

House File 707, by committee on commerce, regulation and labor, a bill for an act concerning public employee collective bargaining.

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

House File 708, by committee on economic growth, a bill for an act relating to the establishment of rural improvement zones.

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

House File 709, by committee on human resources, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

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

House File 710, by committee on human resources, a bill for an act relating to the regulation of elder group homes and providing penalties.

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

House File 711, by committee on judiciary, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level.

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

House File 712, by committee on local government, a bill for an act allowing counties to share the services of certain elective county officers.

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

House File 713, by committee on public safety, a bill for an act relating to requiring certain persons to submit a DNA sample for DNA profiling, making a request for DNA profiling, providing a penalty, and providing effective and contingent effective dates.

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

House File 714, by committee on state government, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

House File 715, by committee on state government, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

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

House File 716, by committee on state government, a bill for an act relating to the military division and the homeland security and

emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, peace officer status for national guard personnel performing certain missions, and the use of the national incident management system for state emergencies.

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

House File 717, by committee on transportation, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

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

House File 718, by committee on transportation, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

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

House File 719, by committee on commerce, regulation and labor, a bill for an act repealing registration requirements for construction contractors and providing for related matters.

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

House File 720, by committee on economic growth, a bill for an act creating a women entrepreneurs and young professionals in business program.

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

House File 721, by committee on economic growth, a bill for an act relating to state individual income tax exemptions for residents of border cities, replacement local option sales and services, withholding tax credits, and property tax, and including an effective date.

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

House File 722, by committee on human resources, a bill for an act providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date.

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

House File 723, by committee on human resources, a bill for an act establishing the enactment of the postsecondary education subsidy provision as a substantial change in circumstances, allowing modification of a support order, and providing effective and retroactive applicability dates.

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

House File 724, by committee on human resources, a bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties.

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

House File 725, by committee on natural resources, a bill for an act relating to the regulation of snowmobiles, establishing fees, and providing penalties.

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

House File 726, by committee on public safety, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

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

House File 727, by committee on state government, a bill for an act relating to activities by lobbyist and clients of lobbyists and providing an effective date.

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

House File 728, by committee on state government, a bill for an act relating to the improper influence of executive branch officials,

executive branch employees, members of the general assembly, and legislative employees, and making penalties applicable.

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

House File 729, by committee on state government, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system.

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

House File 730, by Paulsen, a bill for an act establishing a property tax limitation for cities and counties and including an effective date and applicability date provision.

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

House File 731, by committee on commerce, regulation and labor, a bill for an act concerning state liquor activities, including liquor prices set by the alcoholic beverages division, moneys appropriated from liquor sale revenues for substance abuse treatment, and state liquor warehouse operations.

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

House File 732, by committee on education, a bill for an act relating to the inclusion of kindergarten and prekindergarten pupils in the actual enrollment of a school district, and providing an effective and applicability date.

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

House File 733, by committee on economic growth, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

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

House File 734, by Paulsen and J.K. Van Fossen, a bill for an act relating to the repeal of the sourcing rules under the state sales and use taxes.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 10, 2005, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

MICHAEL E. MARSHALL, Secretary

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT FOR THE BLIND

Report on the purchase of products with recycled content, pursuant to Chapter 216B.3(12d), Code of Iowa.

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

Committee Bill (Formerly House File 176), requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 576), concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 187), providing for the privatization of the state liquor warehouse, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

Pursuant to Rule 31.7, House File 731 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 261), relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 425), relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 733 was referred to the committee on ways and means.

Committee Bill (Formerly House Study Bill 139), relating to state and individual income tax exemptions for residents of border cities, replacement local option sales and services and property tax, and including an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 721 was referred to the committee on ways and means.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 342), relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 709 was referred to the committee on appropriations.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly House Study Bill 267), relating to the regulation of snowmobiles, establishing fees, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 2005.

Pursuant to Rule 31.7, House File 725 was referred to the committee on ways and means.

COMMITTEE ON STATE GOVERNMENT

House File 321, a bill for an act changing the bid threshold requirement for certain public improvement contracts.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

House File 551, a bill for an act requiring a specific citation in published material, or is a radio or television announcement, which references a candidate's voting record.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

Committee Bill (Formerly House File 189), relating to political campaigns by requiring attribution statements for political polls, limiting campaign contributions for statewide and legislative elections, and imposing a penalty for falsely filing a complaint with the ethics and campaign disclosure board.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 265), relating to county supervisors in certain counties by allowing full-time or part-time status to be decided by the

electorate, by requiring a five-member board of supervisors elected by voters in districts, by requiring districts to be drawn by the state commissioner of elections, and including implementation, effective date, and transition provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

Committee Bill (Formerly House Study Bill 57), relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, modifying the deadline for filing certain presidential nomination documents, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, modifying the time period relating to counting federal write-in ballots after an application for a regular absentee ballot is received from the same voter, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

Committee Bill (Formerly House Study Bill 136), relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

Fiscal Note is not required.

Recommended Amend and Do Pass March 10, 2005.

Committee Bill (Formerly House Study Bill 163), establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 714 was referred to the committee on ways and means.

Committee Bill (Formerly House Study Bill 165), relating to the authority and duties of the department of administrative services, including information technology services, cooperative procurement agreements, distribution of state employee salary information, state vehicle assignment, publication fees for official notices, and cost reimbursement for project management services, and providing an effective date and retroactive applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 191), relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

Pursuant to Rule 31.7, House File 715 was referred to the committee on appropriations.

Committee Bill (Formerly House Study Bill 246), providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 255), proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

On motion by Struyk of Pottawattamie the House adjourned at 9:10 a.m., until 1:00 p.m., Monday, March 14, 2005.

JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day - Forty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 14, 2005

The House met pursuant to adjournment at 1:05 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Doug Peters, pastor of Walnut Hills United Methodist Church, Urbandale. He was the guest of Representative Janet Petersen from Polk County.

PLEDGE OF ALLEGIANCE

The "Star Spangled Banner" was sung by Joni Carroll, secretary of Representative Betty De Boef from Keokuk County and the daughter of Speaker pro tempore Danny Carroll.

The Journal of Friday, March 11, 2005, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Heddens of Story for the week of March 14 through March 18, 2005, on request of Murphy of Dubuque; T. Taylor of Linn on request of Murphy of Dubuque.

INTRODUCTION OF BILLS

House File 735, by Whitaker, a bill for an act establishing the public hunting, parks, and trails program, and making appropriations to the program and to the conservation practices revolving loan fund.

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

House File 736, by committee on commerce, regulation and labor, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

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

House File 737, by committee on commerce, regulation and labor, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

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

House File 738, by committee on commerce, regulation and labor, a bill for an act concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions.

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

House File 739, by committee on education, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse.

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

House File 740, by committee on education, a bill for an act relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, changing testing requirements for the issuance of high school equivalency diplomas, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, providing for the confidentiality of records regarding a child receiving competent private instruction, eliminating a requirement that school bus drivers submit a certificate of physical fitness annually, expanding the penalties for school bus drivers in violation of Code requirements, revising requirements for prior authorization and a

certificate of need for local option and services tax for school infrastructure fund use, and reinstating open enrollment eligibility under a certain circumstance related to desegregation plans.

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

House File 741, by committee on education, a bill for an act relating to driver education by a teaching parent.

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

House File 742, by committee on education, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

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

House File 743, by committee on judiciary, a bill for an act relating to liens associated with agricultural production, by providing for the termination of those liens.

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

House File 744, by committee on judiciary, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

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

House File 745, by committee on judiciary, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

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

House File 746, by committee on local government, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

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

House File 747, by committee on state government, a bill for an act prohibiting the dissemination of certain false statements of fact made with actual malice concerning a candidate for public office and providing remedies.

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

House File 748, by committee on state government, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

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

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 2:19 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILLS

House File 749, by committee on commerce, regulation and labor, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

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

House File 750, by committee on natural resources, a bill for an act relating to deer population management and providing penalties and appropriations.

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

House File 751, by committee on state government, a bill for an act relating to the regulation of liquefied petroleum gas storage tanks, making an appropriation, and providing penalties.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Quirk of Chickasaw on request of Murphy of Dubuque.

CONSIDERATION OF BILLS
Regular Calendar

House File 370, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act, was taken up for consideration.

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?" (H.F. 370)

The ayes were, 97:

- | | | | |
|--------------|-----------|------------|-----------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cohoon | Dandekar |
| Davitt | De Boef | Dix | Dolecheck |
| Drake | Eichhorn | Elgin | Fallon |
| Foege | Ford | Freeman | Frevert |
| Gaskill | Gipp | Granzow | Greiner |
| Heaton | Hoffman | Hogg | Horbach |
| Hunter | Huseman | Huser | Hutter |
| Jacobs | Jacoby | Jenkins | Jochum |
| Jones | Kaufmann | Kressig | Kuhn |
| Kurtenbach | Lalk | Lensing | Lukan |
| Lykam | Maddox | Mascher | May |
| McCarthy | Mertz | Miller | Murphy |
| Oldson | Olson, D. | Olson, R. | Olson, S. |
| Paulsen | Petersen | Pettengill | Raecker |
| Rants, Spkr. | Rasmussen | Rayhons | Reasoner |
| Reichert | Sands | Schickel | Schuller |
| Shomshor | Shoultz | Smith | Soderberg |

Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderydyke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens	Quirk	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 371, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations, was taken up for consideration.

SENATE FILE 139 SUBSTITUTED FOR HOUSE FILE 371

Sands of Louisa asked and received unanimous consent to substitute Senate File 139 for House File 371.

Senate File 139, a bill for an act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations, 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. 139)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Pettengill	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdylke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens Quirk Taylor, T.

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

House File 399, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports, was taken up for consideration.

Anderson of Page 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. 399)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach

Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens	Shoultz	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 371 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 371 from further consideration by the House.

House File 423, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels, was taken up for consideration.

Raecker 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. 423)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta

Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

HOUSE FILE 170 WITHDRAWN

Anderson of Page asked and received unanimous consent to withdraw House File 170 from further consideration by the House.

HOUSE FILE 129 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 129 from further consideration by the House.

House File 438, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners, was taken up for consideration.

Kaufmann 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. 438)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

House File 469, a bill for an act increasing the membership of the real estate commission, was taken up for consideration.

Tomenga 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. 469)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens	Taylor, T.	Wise
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 92 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 92 from further consideration by the House.

House File 476, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties, was taken up for consideration.

Davitt of Warren offered the following amendment H-1050 filed by him and moved its adoption:

H-1050

- 1 Amend House File 476 as follows:
- 2 1. Page 1, by striking line 2, and inserting the
- 3 following: "the following new subsections:
- 4 NEW SUBSECTION. 0A. "Ammonium nitrate" means a
- 5 compound that is chiefly composed of ammonium salt of
- 6 nitric acid which contains not less than thirty-three
- 7 percent nitrogen, one-half of which is in the ammonium
- 8 form and one-half in the nitrate form."

Amendment H-1050 was adopted.

Rayhons 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?" (H.F. 476)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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 370, 399, 423, 438, 469, 476** and **Senate File 139**.

House File 479, a bill for an act providing an exception to municipal tort liability for all-terrain vehicling, 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. 479)

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll
Chambers	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Mertz	Miller
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Struyk	Thomas	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Whitaker	Wilderydyke
Zirkelbach	Roberts, Presiding		

The nays were, 26:

Cohoon	Fallon	Foege	Ford
Hogg	Hunter	Huser	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Oldson	Olson, D.
Olson, R.	Petersen	Shoultz	Swaim
Taylor, D.	Wendt	Wessel-Kroeschell	Whitead
Winckler	Wise		

Absent or not voting, 4:

Bukta	Heddens	Murphy	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 480, a bill for an act relating to the definition of telecommunicator for purposes of telecommunicator training standards promulgated by the Iowa law enforcement academy, was taken up for consideration.

May of Dickinson 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. 480)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May

McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

HOUSE FILE 15 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 15 from further consideration by the House.

House File 529, a bill for an act relating to the members of the board of educational examiners and the authority of the board regarding complaints, was taken up for consideration.

Tymeson of Madison 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. 529)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk

Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdryke	Roberts, Presiding	

The nays were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

Absent or not voting, 2:

Heddens Taylor, T.

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 March 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 281, a bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 210, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 246, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 213 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House File 213 from further consideration by the House.

House File 581, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements, was taken up for consideration.

Wilderdyke of Harrison 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. 581)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderydke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

House File 398, an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools, 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. 398)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

HOUSE FILE 146 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 146 from further consideration by the House.

House File 588, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks, was taken up for consideration.

SENATE FILE 141 SUBSTITUTED FOR HOUSE FILE 588

S. Olson of Clinton asked and received unanimous consent to substitute Senate File 141 for House File 588.

Senate File 141, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks, was taken up for consideration.

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. 141)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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

HOUSE FILE 588 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 588 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 260, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Also: that the Senate has on March 14, 2005, amended and passed the following bill in which the concurrence of the House is asked:

Senate File 265, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

Ways and Means Calendar

House File 607, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive 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. 607)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan

Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdye	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, T.

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 398, 479, 480, 529, 581, 607** and **Senate File 141**.

HOUSE FILE 198 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 198 from further consideration by the House.

Regular Calendar

House File 642, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation, was taken up for consideration.

Kuhn of Floyd offered amendment H-1054 filed by him as follows:

H-1054

- 1 Amend House File 642 as follows:
- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "Sec. ___. Section 199.1, subsection 2, Code 2005,
- 5 is amended to read as follows:
- 6 2. "Agricultural seed" means grass, forage,
- 7 cereal, oil, fiber, and any other kind of crop seed
- 8 commonly recognized within this state as agricultural
- 9 seed, lawn seed, vegetable seed, or seed mixtures.
- 10 Agricultural seed includes genetically engineered
- 11 agricultural seed. Agricultural seed may include any
- 12 additional seed the secretary designates by rules."
- 13 2. Page 1, by inserting after line 8 the
- 14 following:
- 15 "**NEW SUBSECTION.** 6A. "Genetically engineered
- 16 agricultural seed" means agricultural seed that has
- 17 been modified through the use of recombinant
- 18 deoxyribonucleic acid technology. "Genetically
- 19 engineered agricultural seed" does not include
- 20 agricultural seed that has been modified by
- 21 traditional breeding, tissue culture, chemicals,
- 22 irradiation, or other technique that does not modify
- 23 the agricultural seed's recombinant deoxyribonucleic
- 24 acid."
- 25 3. Title page, line 1, by inserting after the
- 26 word "by" the following: "providing for genetically
- 27 engineered agricultural seed, and".
- 28 4. By renumbering as necessary.

Greiner of Washington rose on a point of order that amendment H-1054 was not germane.

The Speaker ruled the point well taken and amendment H-1054 not germane.

Kuhn of Floyd offered amendment H-1056 filed by him and requested division as follows:

H-1056

- 1 Amend House File 642 as follows:

H-1056 A

- 2 1. Page 1, by inserting after line 6 the
- 3 following:
- 4 "Sec. ___. Section 199.1, subsection 2, Code 2005,
- 5 is amended to read as follows:

6 2. "Agricultural seed" means grass, forage,
7 cereal, oil, fiber, and any other kind of crop seed
8 commonly recognized within this state as agricultural
9 seed, lawn seed, vegetable seed, or seed mixtures.
10 Agricultural seed includes genetically engineered
11 agricultural seed. Agricultural seed may include any
12 additional seed the secretary designates by rules."

13 2. Page 1, by inserting after line 8 the
14 following:

15 "**NEW SUBSECTION.** 6A. "Genetically engineered
16 agricultural seed" means agricultural seed that has
17 been modified through the use of recombinant
18 deoxyribonucleic acid technology. "Genetically
19 engineered agricultural seed" does not include
20 agricultural seed that has been modified by
21 traditional breeding, tissue culture, chemicals,
22 irradiation, or other technique that does not modify
23 the agricultural seed's recombinant deoxyribonucleic
24 acid."

H-1056 B

25 3. Page 2, by inserting after line 5, the
26 following:

27 "____. Local legislation that preserves the
28 identity of grain that is produced on farmland which
29 is part of an agricultural area created pursuant to
30 section 352.6 or which is subject to an agricultural
31 land preservation ordinance adopted pursuant to
32 section 335.27. This includes local legislation that
33 preserves the identity of grain that is produced from
34 an organic seed under chapter 190C, agricultural seed
35 that is not genetically engineered agricultural seed,
36 or genetically engineered agricultural seed."

H-1056 A

37 4. Title page, line 1, by inserting after the
38 word "by" the following: "providing for genetically
39 engineered agricultural seed, and".

40 5. By renumbering as necessary.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-1056A.

Kuhn of Floyd moved the adoption of amendment H-1056B.

Roll call was requested by Greiner of Washington and Arnold of Lucas.

On the question "Shall amendment H-1056B be adopted?" (H.F. 642)

The ayes were, 36:

Berry	Bukta	Cohoon	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Mascher	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Schickel	Schueller	Shoultz	Smith
Swaim	Taylor, D.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Zirkelbach

The nays were, 62:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Shomshor
Soderberg	Struyk	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Wise	Roberts, Presiding		

Absent or not voting, 2:

Heddens Taylor, T.

Amendment H-1056B lost.

Greiner of Washington 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. 642)

The ayes were, 70:

Alons	Arnold	Baudler	Bell
Berry	Boal	Carroll	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Shomshor	Soderberg
Struyk	Swaim	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wilderdyke
Wise	Roberts, Presiding		

The nays were, 27:

Anderson	Bukta	Fallon	Foege
Ford	Frevert	Gaskill	Hogg
Hunter	Jochum	Kuhn	Lensing
Mascher	Oldson	Olson, D.	Olson, R.
Petersen	Schueller	Shoultz	Smith
Taylor, D.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	

Absent or not voting, 3:

Heddens	Hoffman	Taylor, T.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 202 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 202 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 141, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Also: that the Senate has on March 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 227, 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 March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 275, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 280, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 282, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 302, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 304, a bill for an act relating to the provisions of the elder Iowans Act.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 321, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 324, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 330, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Also: that the Senate has on March 14, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 331, a bill for an act to establish an automated victim notification system in the department of justice.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 642** be immediately messaged to the Senate.

HOUSE FILE 52 WITHDRAWN

Tjepkes of Webster asked and received unanimous consent to withdraw House File 52 from further consideration by 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 March, 2005: House Files 216, 277 and 418.

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 March 11, 2005, he approved and transmitted to the Secretary of State the following bill:

House File 190, an Act expanding the duties of the Child Death Review Team and making a penalty applicable.

Also: the Governor announced that on March 14, 2005 he approved and transmitted to the Secretary of State the following bill:

Senate File 114, an Act relating to tax credit certificates issued by the Iowa Capital Investment Board and providing an effective date.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Annual cost savings report on the Iowa Communications Network, 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

2005\708	Lisa Herman, Davenport – For receiving a 2005 Prudential Spirit of Community Award.
2005\709	Genevieve Wight, Denison – For celebrating her 90 th birthday.

- 2005\710 Leona Stewart, Ida Grove – For celebrating her 90th birthday.
- 2005\711 Darlene Bradtke, Galva – For celebrating her 80th birthday.
- 2005\712 LaRue Quandt, Schleswig – For celebrating her 80th birthday.
- 2005\713 Ellie Mohrhauser, Danbury – For celebrating her 90th birthday.
- 2005\714 Vermon Kuhlmann, Charter Oak – For celebrating his 80th birthday.
- 2005\715 Russell and Maurine Sobieski, Correctionville – For celebrating their 65th wedding anniversary.
- 2005\716 Marvin and Joyce Kruse, Mapleton – For celebrating their 50th wedding anniversary.
- 2005\717 Herb and Myrtle Goettsch, Holstein – For celebrating their 60th wedding anniversary.
- 2005\718 Richard and Jeannine Scott, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\719 Dorothy Engle, Ottumwa – For celebrating her 80th birthday.
- 2005\720 Joseph Mckelvey, Ottumwa – For celebrating his 80th birthday.
- 2005\721 Marie Orman, Ottumwa – For celebrating her 90th birthday.
- 2005\722 Jack Randolph, Ottumwa – For celebrating his 80th birthday.
- 2005\723 Mary Harriss, Ottumwa – For celebrating her 80th birthday.
- 2005\724 Mary Hawkins, Ottumwa – For celebrating her 80th birthday.
- 2005\725 Arlene Sapp, Ottumwa – For celebrating her 80th birthday.
- 2005\726 Doreen Mckelvey, Ottumwa – For celebrating her 80th birthday.
- 2005\727 William Patterson, Ottumwa – For celebrating his 80th birthday.
- 2005\728 Darlene Harsch, Ottumwa – For celebrating her 80th birthday.
- 2005\729 Barry Barnes, Bloomfield – For celebrating his 80th birthday.
- 2005\730 Wanda Warren, Ottumwa – For celebrating her 90th birthday.
- 2005\731 Elizabeth Dolan, Ottumwa – For celebrating her 80th birthday.
- 2005\732 Lorraine Gilroy, Ottumwa – For celebrating her 80th birthday.

- 2005\733 Noel Marks, Ottumwa – For celebrating his 80th birthday.
- 2005\734 Ruth Shippy, Ottumwa – For celebrating her 90th birthday.
- 2005\735 Frances Blanchard, Ottumwa – For celebrating her 90th birthday.
- 2005\736 Marcene Gustaveson, Ottumwa – For celebrating her 80th birthday.
- 2005\737 Norma Mabeus, Ottumwa – For celebrating her 80th birthday.
- 2005\738 Deloris Olson, Ottumwa – For celebrating her 80th birthday.
- 2005\739 Frank Barnett, Blakesburg – For celebrating his 80th birthday.
- 2005\740 Dorothy Fuller, Ottumwa – For celebrating her 90th birthday.
- 2005\741 Patty Anderson, Ottumwa – For celebrating her 80th birthday.
- 2005\742 Bertha Carruthers, Ottumwa – For celebrating her 80th birthday.
- 2005\743 Jean Petuccelli, Davenport – For celebrating her 80th birthday.
- 2005\744 Alfred J. De Jong, Ireton – For celebrating his 80th birthday.
- 2005\745 Laurence Schuller, Ireton – For celebrating his 80th birthday.
- 2005\746 Bill and Joyce Wilsbacher, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\747 Earl and Annabelle Madsen, Elk Horn – For celebrating their 60th wedding anniversary.
- 2005\748 Kenneth Jensen, Waterloo – For celebrating his 80th birthday.
- 2005\749 Grace Elliott, Waterloo – For celebrating her 80th birthday.
- 2005\750 Ross William Schultz, Storm Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\751 John and Ruth Glessner, State Center – For celebrating their 69th wedding anniversary.
- 2005\752 Ken and Vi Collins, Eldora – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 650

Education: Chambers, Chair; Ford and Granzow.

House File 688

Government Oversight: Raecker, Chair; Alons and Whitead.

House File 693

Education: Kaufmann, Chair; Boal and Ford.

House File 735

Natural Resources: Wilderdyke, Chair; Baudler and Whitaker.

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 ENVIRONMENTAL PROTECTION

Committee Bill (Formerly House Study Bill 180), relating to a schedule established by the environmental protection commission for civil penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 544), relating to dependent adults and the provision of protective services.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

Committee Bill (Formerly House File 595), requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

Committee Bill (Formerly House File 675), relating to early childhood programs available through the community empowerment initiative.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 184), relating to requests for correction of child abuse data or findings by establishing a time frame and procedure for addressing the requests.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 269), relating to crimes against members of the species *Homo sapiens* at any stage of development and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly House File 625), relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 255), relating to registration of vehicles by owners of abandoned vehicles and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

RESOLUTION FILED

HR 18, by Winckler, Wessel-Kroeschell, D. Olson, Ford, Whitead, Lykam, Whitaker, Bukta, Pettengill, Fallon, Schueller, R. Olson, T. Taylor, Huser, Davitt, Swaim, Lensing, Reichert, Petersen, Jacoby, Kressig, Frevert, Cohoon, Bell, D. Taylor, Miller, Foege, Smith, Wendt, Hunter, Berry, Jochum, Zirkelbach and Heddens, a resolution urging the Iowa congressional delegation to oppose restructuring the Social Security Trust Fund to create private accounts that reduce guaranteed benefits.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—1057	H.F.	478	Freeman of Buena Vista
H—1058	H.F.	729	Elgin of Linn
H—1059	H.F.	616	Whitaker of Van Buren
H—1060	H.F.	646	Raecker of Polk
H—1061	H.F.	716	Paulsen of Linn
H—1062	H.F.	227	Senate Amendment
H—1063	H.F.	591	Rayhons of Hancock
H—1064	H.F.	591	Rayhons of Hancock
H—1065	H.F.	644	Jacobs of Polk
H—1066	H.F.	580	Swaim of Davis
H—1067	H.F.	644	Gaskill of Wapello Wendt of Woodbury

On motion by Gipp of Winneshiek the House adjourned at 5:46 p.m., until 8:45 a.m., Tuesday, March 15, 2005.

JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day - Forty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 15, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the bag pipe music of David Earll from Sibley. He was the guest of Representative Dolores Mertz from Kossuth County.

Prayer was offered by Reverend Bill Spencer, pastor of Our Savior Lutheran Church, Marshalltown. He was the guest of Representative Steve Olson from Clinton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 14, 2005 was approved.

INTRODUCTION OF BILLS

House Joint Resolution 5, by committee on state government, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

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

House File 752, by committee on human resources, a bill for an act relating to crimes against members of the species Homo sapiens at any stage of development and making penalties applicable.

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

House File 753, by committee on human resources, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

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

House File 754, by committee on judiciary, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

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

House File 755, by committee on natural resources, a bill for an act relating to wild animals, by providing for their regulation, providing for fees and appropriations, and providing for penalties.

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

House File 756, by committee on natural resources, a bill for an act relating to the regulation of all-terrain vehicles, establishing fees, and providing penalties.

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

House File 757, by committee on transportation, a bill for an act relating to the disposition of abandoned vehicles.

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

House File 758, by committee on agriculture, a bill for an act providing for the regulation of commercial canine operations.

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

House File 759, by committee on agriculture, a bill for an act relating to the keeping of farm deer, and providing for fees and the appropriation of the fees.

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

House File 760, by committee on human resources, a bill for an act relating to dependent adults and the provision of protective services.

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

House File 761, by committee on human resources, a bill for an act relating to early childhood programs available through the community empowerment initiative.

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

House File 762, by committee on agriculture, a bill for an act providing for the liability of a landowner who provides for drainage.

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

House File 763, by committee on commerce, regulation and labor, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

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

House File 764, by committee on commerce, regulation and labor, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

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

House File 765, by committee on commerce, regulation and labor, a bill for an act requiring every insurer offering certain individual or group health insurance policies to provide coverage for certain enteral formulas.

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

House File 766, by committee on environmental protection, a bill for an act relating to the acceptance of empty beverage containers and the payment and retention of the refund value by dealers of beverages and redemption centers.

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

House File 767, by committee on environmental protection, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties.

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

House File 768, by committee on environmental protection, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

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

House File 769, by committee on human resources, a bill for an act requiring the department of human services to propose options for expediting the department's response to requests for correction of child abuse data or findings and providing an effective date.

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

House File 770, by committee on human resources, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals.

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

SENATE MESSAGES CONSIDERED

Senate File 200, by committee on agriculture, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

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

Senate File 201, by committee on agriculture, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

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

Senate File 210, by committee on judiciary, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 246, by committee on judiciary, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Read first time and **passed on file**

Senate File 260, by committee on commerce, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 265, by committee on local government, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

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

Senate File 268, by Shull and Kreiman, a bill for an act authorizing a county attorney to represent township trustees in certain circumstances.

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

Senate File 275, by Ragan, Angelo, Kreiman, Hancock, Mulder, Gaskill, Putney and Stewart, a bill for an act requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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

Senate File 280, by committee on local government, a bill for an act relating to vital statistics, by allowing the county registrar to certify copies of records on the county registrar's intranet website.

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

Senate File 302, by committee on transportation, a bill for an act relating to the annual registration fee for certain motor vehicles equipped for persons with disabilities or used by persons with wheelchairs.

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

Senate File 304, by committee on human resources, a bill for an act relating to the provisions of the elder Iowans Act.

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

ST. PATRICK'S DAY OBSERVANCE

Jenkins of Black Hawk presented to the House John Carty, T.D. a Fianna Fail member of the Irish Parliament and represents County Mayo. He will represent the Republic of Ireland at the Emmetsburg St. Patrick's Day Association 2005 Celebration.

Frevert of Palo Alto introduced the 2005 Miss Shamrock, Kayla Helget from Estherville Lincoln Central High School and Mr. Carty, whom addressed the House.

The House rose and expressed its welcome.

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

The House resumed session at 10:05 a.m., Speaker Rants in the chair.

Regular Calendar

House Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage, was taken up for consideration.

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

MARRIAGE. SEC. 26. Only marriage between a man and a woman shall be valid or recognized in the State of Iowa. The State of Iowa and its political subdivisions shall not create or recognize a legal status identical or substantially similar to that of marriage for unmarried individuals.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing 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 the same 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 to the Constitution of the State of Iowa regarding the validity and recognition of certain marriages in Iowa. The joint resolution, if adopted, would be referred to the next general assembly for adoption a second time before being submitted to the electorate for ratification.

Carroll of Poweshiek 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?" (H.J.R. 1)

The yeas were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Eichhorn	Ford	Freeman	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Soderberg	Swaim
Tjepkes	Tomenga	Tymeson	Upmeyer

Van Engelenhoven Wildurdyke	Van Fossen, J.K. Mr. Speaker Rants	Van Fossen, J.R.	Watts
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The nays were, 44:

Bell	Berry	Bukta	Cphoon
Davitt	Elgin	Fallon	Foege
Frevert	Gaskill	Gipp	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Reichert	Schueller	Shoultz
Smith	Struyk	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 2:

Heddens	Maddox
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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 **House Joint Resolution 1** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 771, by committee on judiciary, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

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

House File 772, by committee on state government, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

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

House File 773, by committee on state government, a bill for an act relating to eligibility of certain members of the armed forces of the United States, the reserve forces of the United States, and the Iowa national guard for the military service tax credit and exemption and providing an effective and an applicability date.

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

House File 774, by committee on state government, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties.

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

House File 775, by committee on state government, a bill for an act relating to political campaigns by requiring mandatory disclosures in certain political telephone communications, limiting campaign contributions for statewide and legislative elections, limiting contributions to political parties, providing a penalty for filing a false complaint, and applying other penalties.

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

House File 776, by committee on state government, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and charges for credit card payments accepted by government.

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

House File 777, by committee on judiciary, a bill for an act relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids.

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

House File 778, by committee on public safety, a bill for an act expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

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

House File 779, by Zirkelbach and Reichert, a bill for an act relating to a policy to qualify certain members of the Iowa national guard and persons who own land and pay property tax in this state for resident tuition rates at institutions of higher education in this state.

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

House File 780, by Mascher, a bill for an act providing an Iowa individual income tax checkoff for the arts, making an appropriation, and providing for the Act's implementation.

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

House File 781, by committee on human resources, a bill for an act relating to the establishment of a direct care worker task force.

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

SENATE MESSAGES CONSIDERED

Senate File 282, by committee on local government, a bill for an act providing for the establishment of a committee to examine alternatives and develop an implementation plan regarding adoption of an integrated state fire code.

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

Senate File 321, by committee on judiciary, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Read first time and referred to committee on **public safety**.

Senate File 324, by committee on commerce, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 330, by committee on judiciary, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

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

Senate File 331, by committee on judiciary, a bill for an act to establish an automated victim notification system in the department of justice.

Read first time and referred to committee on **public safety**.

On motion by Gipp of Winneshiek, the House was recessed at 11:26 a.m., until 5:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:47 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 782, by Mascher, a bill for an act making changes to the law relating to urban renewal and tax increment financing and including effective and applicability date provisions.

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

House File 783, by committee on environmental protection, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

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

House File 784, by committee on human resources, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal.

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

House File 785, by committee on human resources, a bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date.

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

House File 786, by committee on human resources, a bill for an act relating to the operating or providing of another business or activity in a health care facility.

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

House File 787, by committee on human resources, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable.

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

House File 788, by committee on human resources, a bill for an act relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date.

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

House File 789, by committee on human resources, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

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

House File 790, by committee on human resources, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

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

House File 791, by committee on state government, a bill for an act relating to the recognition and licensing of professional employer organizations and providing for penalties.

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

House File 792, by committee on state government, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

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

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-three members present, seventeen absent.

CONSIDERATION OF BILLS

Regular Calendar

House File 532, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 4:55 p.m.

Tomenga 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. 532)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Heddens
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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 March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 215, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 320, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 335, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 345, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

Also: That the Senate has on March 15, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 353, a bill for an act relating to apparel worn while hunting upland game birds.

MICHAEL E. MARSHALL, Secretary

House File 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, was taken up for consideration.

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?" (H.F. 683)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevort	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

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

House File 512, a bill for an act relating to city waterworks franchises, was taken up for consideration.

Watts of Dallas 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. 512)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Carroll,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon	Ford	Heddens
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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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 512, 532 and 683.**

Speaker Rants in the chair at 5:07 p.m.

HOUSE REFUSES TO CONCUR

Baudler of Adair called up for consideration **Senate File 169**, an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, amended by the House and moved that the House recede from its amendment.

The motion failed and the House insists.

CONFERENCE COMMITTEE APPOINTED

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 169: Baudler of Adair, Chair; Dolecheck of Ringgold, Sands of Louisa, McCarthy of Polk and Lykam of Scott.

Speaker pro tempore Carroll in the chair at 5:10 p.m.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 169** be immediately messaged to the Senate.

Regular Calendar

House File 440, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer, 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. 440)

The ayes were, 83:

Alons	Arnold	Baudler	Bell
Berry	Boal	Carroll	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn

Elgin	Foege	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lukan	Lykam	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Smith
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wildurdyke
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 15:

Anderson	Bukta	Fallon	Hunter
Jochum	Lensing	Maddox	Mascher
Olson, R.	Schueller	Shoultz	Taylor, D.
Taylor, T.	Wessel-Kroeschell	Winckler	

Absent or not voting, 2:

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

House File 478, a bill for an act relating to the Iowa commission on volunteer service, was taken up for consideration.

Freeman of Buena Vista offered the following amendment H-1057 filed by her and moved its adoption:

H-1057

- 1 Amend House File 478 as follows:
- 2 1. Page 1, line 23, by striking the word
- 3 "department" and inserting the following:
- 4 "commission".

Amendment H-1057 was adopted.

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

On the question "Shall the bill pass?" (H.F. 478)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Ford Heddens

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

House File 580, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment, was taken up for consideration.

Roberts of Carroll in the chair at 5:33 p.m.

Swaim of Davis offered the following amendment H-1066 filed by him and moved its adoption:

H-1066

- 1 Amend House File 580 as follows:
- 2 1. Page 3, by striking lines 15 and 16.
- 3 2. By renumbering, redesignating, and correcting
- 4 internal references as necessary.

Amendment H-1066 was adopted.

Swaim of Davis 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. 580)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueler	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were and 1:

Fallon

Absent or not voting and 2:

Ford

Heddens

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

HOUSE FILE 462 WITHDRAWN

Swaim of Davis asked and received unanimous consent to withdraw House File 462 from further consideration by the House.

HOUSE FILE 195 WITHDRAWN

Watts of Dallas asked and received unanimous consent to withdraw House File 195 from further consideration by the House.

House File 591, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, airport transfers to aviation authorities, and providing an effective date, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-1064 filed by him and moved its adoption:

H-1064

- 1 Amend House File 591 as follows:
- 2 1. Page 2, by striking lines 10 through 22, and
- 3 inserting the following:
- 4 "Sec. __. Section 321.1, subsection 88, Code
- 5 2005, is amended to read as follows:
- 6 88. "Truck tractor" means every motor vehicle
- 7 designed and used primarily for drawing other vehicles
- 8 and not so constructed as to carry a load other than a
- 9 part of the weight of the vehicle and load so drawn.
- 10 However, a truck tractor may have a box, deck, or
- 11 plate for carrying freight, mounted on the frame
- 12 behind the cab, and forward of the fifth-wheel

13 connection point."

14 2. By renumbering as necessary.

Amendment H-1064 was adopted.

Rayhons of Hancock offered the following amendment H-1063 filed by him and moved its adoption:

H-1063

1 Amend House File 591 as follows:

2 1. Page 4, by striking lines 12 through 18.

3 2. Title page, line 5, by striking the words

4 "airport transfers to aviation authorities,".

5 3. By renumbering as necessary.

Amendment H-1063 was adopted.

Rayhons 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?" (H.F. 591)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker

Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens	Tomenga
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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 Files 440, 478, 580 and 591.**

SPECIAL PRESENTATION

Dix of Butler introduced to the House the Honorable Pat Shey, former state representative from Linn County.

The House rose and expressed its welcome.

House File 641, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats, was taken up for consideration.

Raecker 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. 641)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert

Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Tomenga

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

House File 673, a bill for an act restricting the sale of bait by nonresidents who hold a license to engage in aquaculture, was taken up for consideration.

J.R. 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?" (H.F. 673)

The ayes were, 91:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg

Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Roberts, Presiding	

The nays were, 7:

Bukta	Drake	Fallon	Raecker
Wilderdyke	Wise	Zirkelbach	

Absent or not voting, 2:

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

House File 646, a bill for an act concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, prohibiting certain electrical or mechanical amusement devices and bona fide contests, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals, was taken up for consideration.

Raecker of Polk offered the following amendment H-1060 filed by him and moved its adoption:

H-1060

- 1 Amend House File 646 as follows:
- 2 1. Page 2, line 17, by inserting before the word

- 3 "shall" the following: "required to be registered as
4 provided in this section".

Amendment H-1060 was adopted.

Raecker 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. 646)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenlach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 1:

Wilderdyke

Absent or not voting, 2:

Heddens

Tomenga

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

House File 685, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions, 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. 685)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts,	
		Presiding	

The nays were, 3:

Fallon	Gaskill	Maddox
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Absent or not voting, 2:

Heddens	Tomenga
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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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 641, 646, 673 and 685.**

HOUSE FILE 244 WITHDRAWN

J.R. Van Fossen of Scott asked and received unanimous consent to withdraw House File 244 from further consideration by the House.

SPONSOR ADDED (House Resolution 18)

Murphy of Dubuque requested to be added as a sponsor of House Resolution 18.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 216, an Act relating to motor vehicle regulation by the State Department of Transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services.

House File 277, an Act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, eliminating the Iowa broadband initiative, and providing penalties.

House File 418, an Act concerning billing for anatomic pathology services and making licensing sanctions applicable.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

CHILD ADVOCACY BOARD

Fiscal Year 2004 Annual Report, pursuant to Chapter 237.18(d), 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

- | | |
|----------|--|
| 2005\753 | Ludmilla Dvorak, Traer – For celebrating her 89 th birthday. |
| 2005\754 | Dorriss Degner Hook, Dysart – For celebrating her 85 th birthday. |
| 2005\755 | Evert and Cornelia Van Westen, George – For celebrating their 65 th wedding anniversary. |
| 2005\756 | Richard Rosgaard, Rock Valley – For celebrating his 90 th birthday. |
| 2005\757 | Marjorie H. Hamilton, Hampton – For celebrating her 80 th birthday. |
| 2005\758 | Ardell Flaten, Klemme – For celebrating his 80 th birthday. |
| 2005\759 | Phyllis Ferrier, Clear Lake – For celebrating her 80 th birthday. |
| 2005\760 | Allyn Freese, Hampton – For celebrating his 80 th birthday. |
| 2005\761 | Richard and Dorothy Thompson, Rockwell – For celebrating their 65 th wedding anniversary. |
| 2005\762 | Robert and Phyllis Heilskov, Hampton – For celebrating their 50 th wedding anniversary. |
| 2005\763 | Richard and Marjorie Taylor, Ventura – For celebrating their 60 th wedding anniversary. |

SUBCOMMITTEE ASSIGNMENT

House File 699

Education: Chambers, Chair; Paulsen and Wendt.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 281 Judiciary

Relating to the cost of procuring a supersedeas bond.

H.S.B. 282 Ways and Means

Relating to the regulation of the department of agriculture and land stewardship of the sale of motor vehicle fuel including increasing the license inspection fee for retail motor vehicle fuel pumps, prohibiting the sale of gasoline below certain cost, providing for penalties, and making appropriations.

H.S.B. 283 Ways and Means

Relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.

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 275), relating to and making appropriations to the judicial branch, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 14, 2005.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly House File 34), relating to the establishment of a promotional program for national historic landmarks.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 297), relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House File 561), relating to requirements for economic development financial assistance used for construction purposes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 137), relating to economic development activities by creating the grow Iowa values fund, increasing the number of members on the Iowa economic development board, allowing the creation of economic development regions, authorizing the certification of and development of cultural districts, requiring coordination of regulatory assistance, providing tax credits, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

Committee Bill (Formerly House Study Bill 213), relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 10, 2005.

RESOLUTIONS FILED

HCR 10, by committee on judiciary, a concurrent resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability insurance for health care providers in Iowa.

Placed on the **calendar**.

HR 19, by Mascher, Foege, Jacoby and Lensing, a resolution honoring the University of Iowa football team and Coach Kirk Ferentz.

Laid over under **Rule 25**.

HR 20, by Mascher, Foege, Jacoby and Lensing, a resolution to recognize and honor Professor James Van Allen for his lifetime of service and achievement.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1068	H.F.	585	Upmeyer of Hancock
H—1069	H.F.	587	Upmeyer of Hancock
H—1070	H.F.	602	De Boef of Keokuk
H—1071	H.F.	728	Hutter of Scott
H—1072	H.F.	162	De Boef of Keokuk
H—1073	S.F.	71	De Boef of Keokuk
H—1074	H.F.	737	Sands of Louisa
H—1075	H.F.	645	Raecker of Polk Wendt of Woodbury
H—1076	H.F.	768	Greiner of Washington
H—1077	H.F.	644	Huser of Polk Gaskill of Wapello
H—1078	H.F.	624	Frevert of Palo Alto Greiner of Washington Baudler of Adair
H—1079	H.F.	85	Tomenga of Polk
H—1080	H.F.	643	Alons of Sioux Greiner of Washington
Chambers of O'Brien			Lalk of Fayette
Huseman of Cherokee			Cohoon of Des Moines
Wise of Lee			Kurtenbach of Story
Reasoner of Union			
Sands of Louisa			
H—1081	H.F.	584	Kaufmann of Cedar
H—1082	H.F.	686	Dix of Butler Watts of Dallas
H—1083	H.F.	712	Gaskill of Wapello
H—1084	H.F.	712	Gaskill of Wapello
H—1085	H.F.	742	Tymeson of Madison
H—1086	H.F.	712	Gaskill of Wapello
H—1087	H.F.	686	Paulsen of Linn T. Taylor of Linn

On motion by Gipp of Winneshiek the House adjourned at 6:14 p.m., until 8:45 a.m., Wednesday, March 16, 2005.

JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 16, 2005

The House met pursuant to adjournment at 8:52 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Robert Loudon, pastor of Cambria Baptist Church, Cambria. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 15, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Taylor of Linn on request of Murphy of Dubuque.

INTRODUCTION OF BILLS

House File 793, by committee on state government, a bill for an act relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, striking the authority of the state or county commissioner to issue a notice of a technical infraction, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an

absentee ballot in person at the commissioner's office, imposing a prohibition on absentee ballot couriers, prohibiting certain communications when absentee ballots are being counted, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, striking a requirement related to counting federal write-in ballots, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, requiring identification of certain voter registrants, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, requiring verification of certain information on all voter registrations received by mail, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions.

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

House File 794, by committee on economic growth, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and applicability provisions.

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

House File 795, by committee on economic growth, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty.

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

House File 796, by committee on economic growth, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

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

House File 797, by committee on economic growth, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

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

House File 798, by committee on judiciary, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions and providing an effective date.

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

House File 799, by committee on judiciary, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

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

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 11:04 a.m., Carroll of Poweshiek 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 March 16, 2005, appointed the conference committee to Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, and the members of the Conference Committee on the part of the Senate are: the senator from Bremer, Senator Brunkhorst, Co-chair; the senator from Davis, Senator Kreiman, Co-chair; the senator from Jefferson, Senator Miller; the senator from Polk, Senator Zaun; the senator from Woodbury, Senator Warnstadt; and the senator from Dubuque, Senator Hancock.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 305, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 313, a bill for an act relating to traffic citations issued for railroad crossing violations.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 323, a bill for an act establishing a uniform mediation Act.

MICHAEL E. MARSHALL, Secretary

House File 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, peace officer status for national guard personnel performing certain missions, and the use of the national incident management system for state emergencies, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1061 filed by him and moved its adoption:

H-1061

- 1 Amend House File 716 as follows:
- 2 1. Page 3, by striking lines 9 through 16.
- 3 2. Title page, by striking lines 6 through 7 and
- 4 inserting the following: "personnel, and the use of
- 5 the national".
- 6 3. By renumbering as necessary.

Amendment H-1061 was adopted.

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

On the question "Shall the bill pass?" (H.F. 716)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Wilderdye	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens	Taylor, D.	Whitead
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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.

House File 602, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste, was taken up for consideration.

De Boef of Keokuk offered the following amendment H-1070 filed by her and moved its adoption:

H-1070

- 1 Amend House File 602 as follows:
- 2 1. Page 1, line 8, by striking the words
- 3 "subparagraph subdivision (d)" and inserting the
- 4 following: "subparagraph subdivision (e)".

Amendment H-1070 was adopted.

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. 602)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens
Taylor, D.

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 602 and 716.**

House File 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators, was taken up for consideration.

Raecker of Polk offered the following amendment H-1075 filed by him and Wendt of Woodbury and moved its adoption:

H-1075

1 Amend House File 645 as follows:
 2 1. Page 2, line 8, by inserting after the word
 3 "section," the following: "a consideration shall not
 4 be deemed to have been paid or furnished where all or
 5 substantially all entries representing chances to win
 6 are submitted by means of the internet or the United
 7 States mail or by similar delivery method to the
 8 person or persons conducting the lottery, game of
 9 chance, contest, or activity prior to any prize being
 10 awarded, and where one or more of such chances to win
 11 may be obtained by participants where no purchase or
 12 payment is required to enter or win. In all other
 13 cases."

Amendment H-1075 was adopted.

Raecker 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. 645)

The ayes were, 98:

Alons
Bell

Anderson
Berry

Arnold
Boal

Baudler
Bukta

Chambers	Cohon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

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

HOUSE FILE 354 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw House File 354 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 645** be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 11:24 a.m., until 5:00 p.m. or upon conclusion of the meetings of the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 4:29 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 800, by committee on economic growth, a bill for an act relating to requirements for economic development financial assistance used for construction purposes.

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

House File 801, by committee on ways and means, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

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

House File 802, by committee on ways and means, a bill for an act expanding the child and dependent care credit under the individual income tax and including an applicability date.

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

House File 803, by Swaim, a bill for an act limiting the property tax exemption for fruit-tree and forest reservations to resident landowners.

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

House File 804, by S. Olson, a bill for an act relating to an income tax credit for the purchase of furnaces that are designed to burn field corn or field corn products and including a retroactive applicability date.

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

SENATE MESSAGES CONSIDERED

Senate File 215, by committee on state government, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

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

Senate File 272, by committee on human resources, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

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

Senate File 305, by committee on human resources, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

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

Senate File 313, by committee on transportation, a bill for an act relating to traffic citations issued for school bus warning device and railroad crossing violations.

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

Senate File 320, by committee on commerce, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

Senate File 323, by committee on judiciary, a bill for an act establishing a uniform mediation Act.

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

Senate File 335, by committee on business and labor relations, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

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

Senate File 345, by committee on judiciary, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

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

Senate File 353, by committee on natural resources and environment, a bill for an act relating to apparel worn while hunting upland game birds.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 6, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation

Also: That the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 346, 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.

MICHAEL E. MARSHALL, Secretary

House File 419, a bill for an act relating to free resident landowner deer and turkey hunting licenses, was taken up for consideration.

Gaskill of Wapello offered amendment H-1049 filed by her as follows:

H-1049

- 1 Amend House File 419 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec. NEW SECTION. 483A.23A FOREST
- 5 RESERVATIONS – PUBLIC HUNTING ACCESS.
- 6 On and after January 1, 2006, a nonresident owner
- 7 of land in this state making application for a tax
- 8 exemption for a forest reservation pursuant to section
- 9 427C.3 shall agree to allow public access for walk-in
- 10 hunting on the forest reservation during the period of
- 11 tax exemption."
- 12 2. Title page, line 1, by inserting after the
- 13 words "relating to" the following: "public hunting on
- 14 forest reservations and".

Rasmussen of Buchanan rose on a point of order that amendment H-1049 was not germane.

The Speaker ruled the point well taken and amendment H-1049 not germane.

Thomas of Clayton asked and received unanimous consent to withdraw amendment H-1037 filed by him on March 1, 2005.

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

On the question "Shall the bill pass?" (H.F. 419)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schuessler	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdye	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Foegel	Ford	Heddens
Jenkins	Taylor, D.		

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

Appropriations Calendar

House File 162, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, was taken up for consideration.

De Boef of Keokuk offered the following amendment H-1072 filed by her and moved its adoption:

H-1072

- 1 Amend House File 162 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:

4 "Sec. . NEW SECTION. 170.3A CHRONIC WASTING
 5 DISEASE CONTROL PROGRAM – FEES.

6 1. The department shall establish and administer a
 7 chronic wasting disease control program for the
 8 control of chronic wasting disease which threatens
 9 farm deer. The program may include procedures for the
 10 inspection and testing of farm deer, responses to
 11 reported cases of chronic wasting disease, and methods
 12 to ensure that owners of farm deer may engage in the
 13 movement and sale of farm deer.

14 2. Beginning on July 1, 2006, a chronic wasting
 15 disease control fee is imposed on landowners who
 16 maintain farm deer in this state. The fee shall be
 17 established by rules adopted by the department in an
 18 amount which will generate total revenue not exceeding
 19 an amount which is reasonable and necessary to
 20 administer the chronic wasting disease control
 21 program.

22 Sec. . NEW SECTION. 170.3B FARM DEER
 23 ADMINISTRATION FUND – APPROPRIATION.

24 1. A farm deer administration fund is created in
 25 the state treasury under the control of the
 26 department. The fund is composed of moneys
 27 appropriated by the general assembly and moneys
 28 available to and obtained or accepted by the
 29 department from the United States or private sources
 30 for placement in the fund. The fund shall include all
 31 moneys collected from the chronic wasting disease
 32 control fee as provided in section 170.3A. The moneys
 33 in the fund are appropriated exclusively to the
 34 department for purposes of administering the chronic
 35 wasting disease control program as provided in section
 36 170.3A.

37 2. Moneys in the fund are subject to an annual
 38 audit by the auditor of state. The fund is subject to
 39 warrants written by the director of the department of
 40 administrative services, drawn upon the written
 41 requisition of the department.

42 3. Section 8.33 shall not apply to moneys in the
 43 fund. Notwithstanding section 12C.7, moneys earned as
 44 income or interest from the fund shall remain in the
 45 fund until expended as provided in this section."

46 2. Page 1, by inserting after line 12, the
 47 following:

48 "() Of the amount appropriated in this
 49 paragraph "f", \$127,000 shall be deposited into the
 50 farm deer administration fund created in section

Page 2

1 170.3B for purposes of administering the chronic
 2 wasting disease control program as provided in section
 3 170.3A."

- 4 3. Page 1, by inserting after line 17 the
5 following:
6 "Sec. __. REPORTING. A soil and water
7 conservation district receiving moneys from an
8 allocation provided in this Act shall submit a report
9 to the soil conservation division of the department of
10 agriculture and land stewardship by January 1, 2006,
11 accounting for moneys which have been expended or
12 unexpended or which have been obligated or encumbered.
13 The report shall state how the moneys were used."
14 4. By renumbering, redesignating, and correcting
15 internal references as necessary.

Amendment H-1072 was adopted.

SENATE FILE 71 SUBSTITUTED FOR HOUSE FILE 162

De Boef of Keokuk asked and received unanimous consent to substitute Senate File 71 for House File 162.

Senate File 71, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, was taken up for consideration.

De Boef of Keokuk offered the following amendment H-1073 filed by her and moved its adoption:

H-1073

- 1 Amend Senate File 71, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 35.
4 2. Page 2, by striking lines 13 through 17.
5 3. By renumbering, redesignating, and correcting
6 internal references as necessary.

Amendment H-1073 was adopted.

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?" (S.F. 71)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueler
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Ford	Heddens	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 180 WITHDRAWN

Rasmussen of Buchanan asked and received unanimous consent to withdraw House File 180 from further consideration by the House.

Regular Calendar

House File 584, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer, was taken up for consideration.

Kaufmann of Cedar offered the following amendment H-1081 filed by him and moved its adoption:

H-1081

- 1 Amend House File 584 as follows:
 2 1. Page 1, line 12, by inserting after the figure
 3 "2." the following: "a."
 4 2. Page 1, line 18, by striking the figure and
 5 words "3. This section" and inserting the following:
 6 "b. This subsection".
 7 3. Page 1, by inserting after line 19 the
 8 following:
 9 "c. The duties of the sheriff executing the
 10 judgment shall not be satisfied until all of the
 11 defendant's personal property has been removed from
 12 the premises pursuant to this subsection."

Amendment H-1081 was adopted.

Kaufmann 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. 584)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 2:

Fallon Hunter

Absent or not voting, 3:

Ford Heddens Taylor, D.

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

HOUSE FILE 207 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw House File 207 from further consideration by the House.

HOUSE FILE 162 WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw House File 162 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 419, 584** and **Senate File 71**.

House File 624, a bill for an act providing for the regulation of livestock moved into this state, including by requiring certain certificates and making penalties applicable, was taken up for consideration.

Frevert of Palo Alto offered amendment H-1078 filed by Frevert, et al., as follows:

H-1078

- 1 Amend House File 624 as follows:
- 2 1. Page 1, line 18, by striking the word

3 "FEMALE".

4 2. Page 1, line 19, by striking the word
5 "female".

6 3. Page 1, line 21, by inserting after the word
7 "older" the following: ", and the foreign country is
8 designated by the department of agriculture and land
9 stewardship as a threat to this state's health and
10 welfare if cattle are moved into this state from that
11 foreign country. The department's designation may be
12 based on a foreign country's classification as a
13 minimal risk region, if provided by rules adopted by
14 the United States department of agriculture".

15 4. Page 1, line 22, by striking the word
16 "female".

17 5. Page 1, line 23, by inserting before the word
18 "foreign" the following: "designated".

19 6. Page 1, line 24, by striking the word
20 "female".

21 7. Page 1, line 26, by striking the word
22 "female".

Frevert of Palo Alto offered the following amendment H-1088, to amendment H-1078, filed by her from the floor and moved its adoption:

H-1088

1 Amend the amendment, H-1078, to House File 624 as
2 follows:

3 1. Page 1, by striking lines 2 through 22, and
4 inserting the following:

5 "___ Page 1, by striking lines 17 through 30."

6 2. By renumbering as necessary.

Amendment H-1088 was adopted.

On motion by Frevert of Palo Alto amendment H-1078, as amended, was adopted.

Greiner of Washington 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. 624)

The ayes were, 98:

Alons
Bell

Anderson
Berry

Arnold
Boal

Baudler
Bukta

Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

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

HOUSE FILE 328 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 328 from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Also: That the Senate has on March 16, 2005, adopted the conference committee report and passed Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

House File 644, a bill for an act relating to elections and voter registration by prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision, was taken up for consideration.

Gaskill of Wapello offered the following amendment H-1067 filed by her and Wendt of Woodbury and moved its adoption:

H-1067

- 1 Amend House File 644 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:

"DIVISION I
GENERAL PROVISIONS RELATING
TO CONDUCT OF ELECTIONS

Section 1. Section 43.6, subsection 2, Code 2005,
is amended to read as follows:

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. If an appointment to fill the vacancy in office is made eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

Sec. 2. Section 43.14, Code 2005, is amended to read as follows:

43.14 FORM OF NOMINATION PAPERS.

1. Nomination papers shall include a petition and affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

- a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.
- b. The name of the candidate nominated by the petition.
- c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative district, or if that is not true, that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.
- d. The political party with which the candidate is a registered voter.
- e. The office sought by the candidate, including

Page 2

- 1 the district number, if any.
- 2 f. The date of the primary election for which the

3 candidate is nominated.

4 2. Signatures on a petition page shall be counted
5 only if the required information required in
6 subsection 1 is written or printed at the top of the
7 page. Nomination papers on behalf of candidates for
8 seats in the general assembly need only designate the
9 number of the senatorial or representative district,
10 as appropriate, and not the county or counties, in
11 which the candidate and the petitioners reside. A
12 signature line shall not be counted if the line lacks
13 the signature of the eligible elector and the signer's
14 address and city. The person examining the petition
15 shall mark any deficiencies on the petition and
16 affidavit. A signature line shall not be counted if
17 the signer's address is obviously outside the
18 boundaries of the district.

19 2- 3. The person examining the petition shall
20 mark any deficiencies on the petition and affidavit.
21 Signed nomination petitions and the signed and
22 notarized affidavit of candidacy shall not be altered
23 to correct deficiencies noted during examination. If
24 the nomination petition lacks a sufficient number of
25 acceptable signatures, the nomination petition shall
26 be rejected and shall be returned to the candidate.

27 4. The nomination papers shall be rejected if the
28 affidavit lacks any of the following:

- 29 a. The candidate's name.
- 30 b. The name of the office sought, including the
- 31 district, if any.
- 32 c. The political party name.
- 33 d. The signature of the candidate.
- 34 e. The signature of a notary public or other
- 35 officer empowered to witness oaths.

36 5. The candidate may replace a deficient affidavit
37 with a corrected affidavit only if the replacement
38 affidavit is filed before the filing deadline. The
39 candidate may resubmit a nomination petition that has
40 been rejected by adding a sufficient number of pages
41 or signatures to correct the deficiency. A nomination
42 petition and affidavit filed to replace rejected
43 nomination papers shall be filed together before the
44 deadline for filing.

45 Sec. 3. Section 45.5, Code 2005, is amended to
46 read as follows:

47 **45.5 FORM OF NOMINATION PAPERS.**

48 1. Nomination papers shall include a petition and
49 an affidavit of candidacy. All nomination petitions
50 shall be eight and one-half by eleven inches in size

Page 3

1 and shall be in substantially the form prescribed by

2 the state commissioner of elections. They shall
3 provide spaces for the following information:

4 a. A statement identifying the signers of the
5 petition as eligible electors of the appropriate ward,
6 city, county, school district or school district
7 director district, or legislative district and of the
8 state of Iowa.

9 b. The name of the candidate nominated by the
10 petition.

11 c. A statement that the candidate is or will be a
12 resident of the appropriate ward, city, county, school
13 district, or legislative or other district as required
14 by section 39.27.

15 d. The office sought by the candidate, including
16 the district number, if any.

17 e. The name and date of the election for which the
18 candidate is nominated.

19 2. Signatures on a petition page shall be counted
20 only if the required information required in
21 subsection 1 is written or printed at the top of the
22 page. Nomination papers on behalf of candidates for
23 seats in the general assembly need only designate the
24 number of the senatorial or representative district,
25 as appropriate, and not the county or counties, in
26 which the candidate and the petitioners reside. A
27 signature line in a nomination petition shall not be
28 counted if the line lacks the signature of the
29 eligible elector and the signer's address and city.

30 ~~The person examining the petition shall mark any~~
31 ~~deficiencies on the petition. A signature line shall~~
32 ~~not be counted if the signer's address is obviously~~
33 ~~outside the boundaries of the appropriate ward, city,~~
34 ~~school district or school district director district,~~
35 ~~or other district.~~

36 2- 3. The pages of the petition shall be securely
37 fastened together to form a single bundle. Nomination
38 petitions that are not bound shall be returned without
39 further examination. The state commissioner shall
40 prescribe by rule the acceptable methods for binding
41 nomination petitions.

42 3- 4. ~~The person examining the petition shall~~
43 ~~mark any deficiencies on the petition.~~ Signed
44 nomination petitions and the signed and notarized
45 affidavit of candidacy shall not be altered to correct
46 deficiencies noted during the examination. If the
47 nomination petition lacks a sufficient number of
48 acceptable signatures, the nomination papers shall be
49 rejected and returned to the candidate.

50 5. The nomination papers shall be rejected if the

Page 4

1 affidavit lacks any of the following:

- 2 a. The candidate's name.
- 3 b. The name of the office sought, including the
- 4 district, if any.
- 5 c. The signature of the candidate.
- 6 d. The signature of a notary public or other
- 7 officer empowered to witness oaths.
- 8 6. The candidate may replace a deficient affidavit
- 9 with a corrected one only if the replacement is filed
- 10 before the filing deadline. The candidate may
- 11 resubmit a nomination petition that has been rejected
- 12 by adding a sufficient number of pages or signatures
- 13 to correct the deficiency. A nomination petition and
- 14 affidavit filed to replace rejected nomination papers
- 15 shall be filed together before the deadline for
- 16 filing.

17 Sec. 4. Section 45.6, subsection 3, Code 2005, is

18 amended to read as follows:

19 3. All signers, for all nominations, of each

20 separate part of a nomination petition, shall reside

21 in the appropriate ward, city, county, school

22 district, ~~or~~ legislative district, or other district

23 as required by section 45.1.

24 Sec. 5. Section 49.10, subsection 4, Code 2005, is

25 amended to read as follows:

26 4. ~~No~~ A single room or area of any building or

27 facility ~~shall~~ may be fixed as the polling place for

28 more than one precinct ~~unless there are separate~~

29 ~~entrances each.~~ The location of each polling place

30 shall be clearly marked within the room or area on the

31 days on which elections are held as the ~~entrance to~~

32 location of the polling place of a particular

33 precinct, and suitable arrangements ~~are~~ shall be made

34 within the room or area to prevent direct access from

35 the polling place of any precinct to the polling place

36 of any other precinct. When the commissioner has

37 fixed such a polling place for any precinct it shall

38 remain the polling place at all subsequent elections,

39 except elections for which the precinct is merged with

40 another precinct as permitted by section 49.11, until

41 the boundaries of the precinct are changed or the

42 commissioner fixes a new polling place, except that

43 the polling place shall be changed to a point within

44 the boundaries of the precinct at any time not less

45 than sixty days before the next succeeding election

46 that a building or facility suitable for such use

47 becomes available within the precinct.

48 Sec. 6. Section 49.14, subsection 1, Code 2005, is

49 amended to read as follows:

50 1. The commissioner may appoint substitute

Page 5

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

19 Sec. 7. Section 49.31, subsection 2, unnumbered
20 paragraph 2, Code 2005, is amended to read as follows:

21 On the general election ballot the names of
22 candidates for the nonpartisan offices listed in
23 section 39.21 shall be arranged ~~by drawing lots for~~
24 ~~position in alphabetical order by surname under the~~
25 ~~heading of the office to be filled. The board of~~
26 ~~supervisors shall hold the drawing at its first~~
27 ~~meeting following the deadline for receipt of~~
28 ~~objections and withdrawals by candidates for the~~
29 ~~general election.~~

30 Sec. 8. Section 49.57, subsections 2 and 3, Code
31 2005, are amended to read as follows:

32 2. In the area of the general election ballot for
33 straight party voting, the party or organization names
34 shall be printed in capital upper case and lower case
35 letters of using a uniform font size, in for each
36 political party or nonparty political organization.
37 The font size shall be not less than twelve point
38 type. After the name of each candidate for a partisan
39 office the name of the candidate's political party
40 shall be printed in at least six point type. The
41 names of political parties and nonparty political
42 organizations may be abbreviated on the remainder of
43 the ballot if both the full name and the abbreviation
44 appear in the "Straight Party" and "Other Political
45 Party" areas of the ballot.

46 3. The names of candidates shall be printed in
47 capital upper case and lower case letters, of using a
48 uniform font size throughout the ballot, in. The font
49 size shall be not less than ten point type.

50 Sec. 9. Section 49.57, Code 2005, is amended by

Page 6

1 adding the following new subsection:

2 NEW SUBSECTION. 3A. In no case shall the font
3 size for public measures, constitutional amendments,
4 and constitutional convention questions, and summaries
5 thereof, be less than ten point type.

6 Sec. 10. Section 49.57, subsection 5, Code 2005,
7 is amended to read as follows:

8 5. A portion of the ballot, which can be shown to
9 the precinct officials without revealing any of the
10 marks made by the voter, shall include the words
11 "Official ballot", ~~a designation of the ballot~~
12 rotation, if any the unique identification number or
13 name assigned by the commissioner to the ballot style,
14 the date of the election, and a facsimile of the
15 signature of the commissioner who has caused the
16 ballot to be printed pursuant to section 49.51.

17 Sec. 11. Section 49.73, subsection 1, paragraph e,
18 Code 2005, is amended to read as follows:

19 e. The Any election conducted for the
20 unincorporated area of any a county voting on a local
21 option sales and services tax pursuant to section
22 423B.1.

23 Sec. 12. Section 49.77, subsections 1 and 2, Code
24 2005, are amended to read as follows:

25 1. The board members of their respective precincts
26 shall have charge of the ballots and furnish them to
27 the voters. Any person desiring to vote shall sign a
28 voter's declaration provided by the officials, in
29 substantially the following form:

30 **VOTER'S DECLARATION OF ELIGIBILITY**
31 I do solemnly swear or affirm that I am a resident
32 of the precinct, ward or township, city of
33, county of, Iowa.

34 I am a registered voter. I have not voted and will
35 not vote in any other precinct in said election.

36 I understand that any false statement in this
37 declaration is a criminal offense punishable as
38 provided by law.

39
40 Signature of Voter
41
42 Address
43
44 Telephone

45 Approved:

46
47 Board Member

48 At the discretion of the commissioner, this
49 declaration may be printed on each page of the
50 election register and the voter shall sign the

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1 election register next to the voter's printed name.
2 The voter's signature in the election register shall
3 be considered the voter's signed declaration of
4 eligibility affidavit. The state commissioner of
5 elections shall prescribe by rule an alternate method
6 for providing the information in subsection 2 for
7 those counties where the declaration of eligibility is
8 printed in the election register.

9 2. One of the precinct election officials shall
10 announce the voter's name aloud for the benefit of any
11 persons present pursuant to section 49.104, subsection
12 2, 3, or 5. ~~Any~~ If the declaration of eligibility is
13 not printed on each page of the election register, any
14 of those persons may upon request view the signed
15 declarations of eligibility and may review the signed
16 declarations on file so long as the person does not
17 interfere with the functions of the precinct election
18 officials. If the declaration of eligibility is
19 printed on the election register, the precinct
20 election official shall make available for viewing a
21 listing of those voters who have signed declarations
22 of eligibility. Any of those persons present pursuant
23 to section 49.104, subsection 2, 3, or 5, may upon
24 request view the listing of those voters who have
25 signed declarations of eligibility, so long as the
26 person does not interfere with the functions of the
27 precinct election officials.

28 Sec. 13. Section 49.79, Code 2005, is amended to
29 read as follows:

30 49.79 CHALLENGES.

31 1. Any person offering to vote may be challenged
32 as unqualified by any precinct election official or
33 registered voter. It is the duty of each official to
34 challenge any person offering to vote whom the
35 official knows or suspects is not duly qualified. A
36 ballot shall be received from a voter who is
37 challenged, but only in accordance with section 49.81.

38 2. A person may be challenged for any of the
39 following reasons:

40 a. The challenged person is not a citizen of the
41 United States.

42 b. The challenged person is less than eighteen
43 years of age as of the date of the election at which
44 the person is offering to vote.

45 c. The challenged person is not a resident at the
46 address where the person is registered. However, a
47 person who is reporting a change of address at the
48 polls on election day pursuant to section 48A.27,
49 subsection 2, paragraph "a", subparagraph (3) shall
50 not be challenged for this reason.

Page 8

- 1 d. The challenged person is not a resident of the
- 2 precinct where the person is offering to vote.
- 3 e. The challenged person has falsified information
- 4 on the person's registration form or on the person's
- 5 declaration of eligibility.
- 6 f. The challenged person has been convicted of a
- 7 felony, and the person's voting rights have not been
- 8 restored.
- 9 g. The challenged person has been adjudged by a
- 10 court of law to be a person who is incompetent to vote
- 11 and no subsequent proceeding has reversed that
- 12 finding.

13 Sec. 14. Section 50.16, Code 2005, is amended to
14 read as follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the
17 election board giving, in legibly printed numerals,
18 the total number of people who cast ballots in the
19 precinct, the total number of ballots cast for each
20 ~~office~~ office, except those rejected, the name of
21 each person voted for, and the number of votes given
22 to each person for each different office. The tally
23 list shall be signed by the precinct election
24 officials, and be substantially as follows:

25 At an election at in township, or in
26 precinct of city or township, in county,
27 state of Iowa, on the ... day of ~~A-D~~ .., there
28 were ... ballots cast for the office of of which
29 (Candidate's name) had .. votes.
30 (Candidate's name) had .. votes.
31 (and in the same manner for any other officer).

32 A true tally list:

- 33 (Name) Election Board
- 34 (Name) Members.
- 35 (Name)

36 Attest:

- 37 (Name) Designated
- 38 (Name) Tally Keepers.

39 Sec. 15. Section 50.25, subsection 7, Code 2005,
40 is amended by striking the subsection.

41 Sec. 16. Section 50.25, Code 2005, is amended by
42 adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. The abstract of the
44 votes for each county office is not required to be
45 made on a different sheet.

46 Sec. 17. Section 52.25, unnumbered paragraph 2,
47 Code 2005, is amended to read as follows:
48 The entire convention question, amendment, or
49 public measure shall be printed and displayed
50 prominently in at least four places within the voting

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1 precinct, and inside each voting booth, or on the
2 left-hand side inside the curtain of each voting
3 machine, the printing to be in conformity with the
4 provisions of chapter 49. The question, amendment, or
5 measure, and summaries thereof, shall be printed on
6 the special paper ballots or on the inserts used in
7 the voting machines. In no case shall the font size
8 be less than ten point type. The public measure shall
9 be summarized by the commissioner ~~and in the largest~~
10 ~~type possible printed on the special paper ballots or~~
11 ~~inserts used in the voting machines, except that:~~

12 Sec. 18. Section 376.11, unnumbered paragraphs 1
13 and 2, Code 2005, are amended to read as follows:

14 Write-in votes are permitted to be cast in all
15 elections for city offices. A person who receives a
16 sufficient number of write-in votes to be elected to a
17 city office shall be declared the winner of the
18 election. If a person who was elected by write-in
19 votes chooses not to serve in that office the person
20 shall submit a resignation in writing to the city
21 clerk not later than five o'clock p.m. on the tenth
22 day following the canvass of the election. If a
23 person who was elected by write-in votes resigns at a
24 later time, the office shall be considered vacant at
25 the end of the term and the council shall fill the
26 vacancy pursuant to the provisions of section 372.13,
27 subsection 2.

28 Except in cities where the council has chosen a
29 runoff election in lieu of a primary, following the
30 resignation of a person who was elected by write-in
31 votes, the city clerk shall notify the person who
32 received the next highest number of votes cast for the
33 office that the person may assume the office. If the
34 person accepts the position, the person shall be
35 considered the duly elected officer unless, within ten
36 days after the clerk has given notice, a petition
37 requesting a special election is filed by eligible
38 electors of the city equal in number to twenty-five
39 percent of the number of persons who voted for the
40 office at the election. If the person declines, the
41 person shall do so in writing to the city clerk within
42 ten days and the office shall be considered vacant at
43 the end of the term. The vacancy shall be filled
44 pursuant to the provisions of section 372.13,
45 subsection 2. If the council chooses to appoint, the
46 appointment may be made before the end of the current
47 term.

48 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

49 1. The section of this division of this Act
50 amending section 49.77, being deemed of immediate

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1 importance, takes effect upon enactment and applies to
2 elections held on or after that date.

3 2. The remainder of this division of this Act
4 applies to elections held on or after January 1, 2006.

5 DIVISION II

6 ABSENTEE VOTING

7 Sec. 20. Section 39A.4, subsection 1, paragraph c,
8 subparagraphs (10), (11), and (12), Code 2005, are
9 amended to read as follows:

10 (10) As an incumbent officeholder of, or a
11 candidate for, an office being voted for at the
12 election in progress, serving as a member of a
13 challenging committee or observer under section
14 49.104, subsection 2, 5, or 6, or section 53.23,
15 subsection 4.

16 (11) Returning a voted absentee ballot, by mail or
17 in person, to the commissioner's office and the person
18 returning the ballot is not the voter, an immediate
19 family member of the voter, an absentee ballot
20 courier, a special precinct election official
21 designated pursuant to section 53.22, subsection 1, or
22 the designee of a voter described in section 53.22,
23 subsection 5.

24 (12) Making a false or untrue statement reporting
25 that a voted absentee ballot was returned to the
26 commissioner's office, by mail or in person, by a
27 person other than the voter, an immediate family
28 member of the voter, an absentee ballot courier, a
29 special precinct election official designated pursuant
30 to section 53.22, subsection 1, or the designee of a
31 voter described in section 53.22, subsection 5.

32 Sec. 21. Section 39A.5, subsection 1, paragraph b,
33 subparagraph (2), Code 2005, is amended to read as
34 follows:

35 (2) ~~Neglecting or refusing to return an absentee~~
36 ~~ballot in violation of section 53.35, or violating~~
37 Violating any other provision of chapter 53 for which
38 another penalty is not provided.

39 Sec. 22. Section 49.63, Code 2005, is amended to
40 read as follows:

41 49.63 TIME OF PRINTING – INSPECTION AND 42 CORRECTION.

43 Ballots shall be printed and in the possession of
44 the commissioner in time to enable the commissioner to
45 furnish ballots to absent voters as provided by
46 sections 53.8, 53.10, and 53.11. The printed ballots
47 shall be subject to the inspection of candidates and
48 their agents. If mistakes are discovered, they shall
49 be corrected without delay, in the manner provided in
50 this chapter.

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1 Sec. 23. Section 53.2, subsections 1 and 4, Code
2 2005, are amended to read as follows:

3 1. Any registered voter, under the circumstances
4 specified in section 53.1, may on any day, except
5 election day, and not more than seventy days prior to
6 the date of the election, apply in person for an
7 absentee ballot at the commissioner's office or at any
8 location designated by the commissioner. However, for
9 those elections in which the commissioner directs the
10 polls be opened at noon pursuant to section 49.73, a
11 voter may apply in person for an absentee ballot at
12 the commissioner's office from eight a.m. until eleven
13 a.m. on election day.

14 PARAGRAPH DIVIDED. A registered voter may make
15 written application to the commissioner for an
16 absentee ballot. A written application for an
17 absentee ballot must be received by the commissioner
18 no later than five p.m. on the Friday before the
19 election. A written application for an absentee
20 ballot delivered to the commissioner and received by
21 the commissioner more than seventy days prior to the
22 date of the election shall be retained by the
23 commissioner and processed in the same manner as a
24 written application received not more than seventy
25 days before the date of the election. However, in a
26 general election year, if an application for an
27 absentee ballot for the general election is received
28 on or before primary election day, the commissioner
29 shall return the application to the voter and shall
30 enclose a notice stating that the application may not
31 be submitted until after the primary election.

32 4. Each application shall contain the name and
33 signature of the registered voter, the registered
34 voter's date of birth, the address at which the voter
35 is registered to vote, and the name or date of the
36 election for which the absentee ballot is requested,
37 and such other information as may be necessary to
38 determine the correct absentee ballot for the
39 registered voter. If insufficient information has
40 been provided, the commissioner shall, by the best
41 means available, obtain the additional necessary
42 information.

43 Sec. 24. Section 53.7, subsection 1, Code 2005, is
44 amended to read as follows:

45 1. It shall be unlawful for any employee of the
46 state or any employee of a political subdivision to
47 solicit any application or request for application for
48 an absentee ballot, or to take an affidavit in
49 connection with any absentee ballot while the employee
50 is on the employer's premises or otherwise in the

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1 course of employment. However, any such employee may
2 take such affidavit in connection with an absentee
3 ballot which is cast by the registered voter in person
4 in the office where such employee is employed in
5 accordance with section 53.10 or 53.11. This
6 subsection shall not apply to any elected official.

7 Sec. 25. Section 53.8, subsection 2, Code 2005, is
8 amended to read as follows:

9 2. If an application is received so late that it
10 is unlikely that the absentee ballot can be returned
11 in time to be counted on election day, the
12 commissioner shall enclose with the absentee ballot a
13 statement to that effect. The statement shall also
14 point out that it is possible for the applicant, an
15 immediate family member of the applicant, or the
16 applicant's designee if the absentee ballot is voted
17 by a voter described in section 53.22, subsection 5,
18 to personally deliver the completed absentee ballot to
19 the office of the commissioner at any time before the
20 closing of the polls on election day. The statement
21 shall also point out that it is possible for an
22 absentee ballot courier to personally deliver the
23 completed absentee ballot to the office of the
24 commissioner within seventy-two hours of retrieving
25 the completed ballot or before the closing of the
26 polls on election day, whichever is earlier.

27 Sec. 26. Section 53.8, subsection 3, unnumbered
28 paragraph 3, Code 2005, is amended to read as follows:

29 Nothing in this subsection nor in section 53.22
30 shall be construed to prohibit a registered voter who
31 is a hospital patient or resident of a health care
32 facility, or who anticipates entering a hospital or
33 health care facility before the date of a forthcoming
34 election, from casting an absentee ballot in the
35 manner prescribed by section 53.10 or 53.11.

36 Sec. 27. Section 53.17, subsection 1, paragraph a,
37 Code 2005, is amended to read as follows:

38 a. The sealed carrier envelope may be delivered by
39 the registered voter, by an immediate family member of
40 the voter, by the special precinct election officials
41 designated pursuant to section 53.22, subsection 1, or
42 by the voter's designee if the absentee ballot is
43 voted by a voter described in section 53.22,
44 subsection 5, to the commissioner's office no later
45 than the time the polls are closed on election day.

46 Sec. 28. Section 53.18, Code 2005, is amended to
47 read as follows:

48 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

49 1. Upon receipt of the absentee ballot, the
50 commissioner shall at once record the number appearing

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1 on the application and return carrier envelope and
2 time of receipt of such ballot and attach the
3 elector's application to the unopened envelope.
4 Absentee ballots shall be stored in a secure place
5 until they are delivered to the absentee and special
6 voters precinct board.

7 2. Upon receipt of the return carrier envelope
8 containing the completed absentee ballot, the
9 commissioner shall open the carrier envelope and
10 remove the affidavit envelope to review the affidavit
11 for any deficiencies. If the affidavit contains a
12 deficiency which would cause the ballot to be
13 rejected, the commissioner shall immediately notify
14 the voter of that fact and that the voter may correct
15 the deficiency in the time permitted under section
16 53.17, subsection 2.

17 Sec. 29. Section 53.22, subsection 1, paragraph a,
18 unnumbered paragraph 1, Code 2005, is amended to read
19 as follows:

20 A registered voter who has applied for an absentee
21 ballot, in a manner other than that prescribed by
22 section 53.10 or 53.11, and who is a resident or
23 patient in a health care facility or hospital located
24 in the county to which the application has been
25 submitted shall be delivered the appropriate absentee
26 ballot by two special precinct election officers, one
27 of whom shall be a member of each of the political
28 parties referred to in section 49.13, who shall be
29 appointed by the commissioner from the election board
30 panel for the special precinct established by section
31 53.20. The special precinct election officers shall
32 be sworn in the manner provided by section 49.75 for
33 election board members, shall receive compensation as
34 provided in section 49.20 and shall perform their
35 duties during the ten calendar days preceding the
36 election and on election day if all ballots requested
37 under section 53.8, subsection 3 have not previously
38 been delivered and returned.

39 Sec. 30. Section 53.25, unnumbered paragraph 1,
40 Code 2005, is amended to read as follows:

41 In case the absentee voter's affidavit is found to
42 be insufficient by the special precinct election
43 board, or that the applicant is not a duly registered
44 voter in such precinct, or that the ballot envelope is
45 open, or has been opened and resealed, or that the
46 ballot envelope contains more than one ballot of any
47 one kind, or that said voter has voted in person, such
48 vote shall not be accepted or counted.

49 Sec. 31. Section 53.31, unnumbered paragraph 1,
50 Code 2005, is amended to read as follows:

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1 Any person qualified to vote at the election in
2 progress may challenge the qualifications of a person
3 casting an absentee ballot by submitting a written
4 challenge to the commissioner no later than five p.m.
5 on the day Friday before the election. It is the dut
6 of the special precinct officials to challenge the
7 absentee ballot of any person whom the official knows
8 or suspects is not duly qualified. Challenges by
9 members of the special precinct election board or
10 observers present pursuant to section 53.23 may be
11 made at any time before the close of the polls on
12 election day. The challenge shall state the reasons
13 for which the challenge is being submitted and shall
14 be signed by the challenger. When a challenge is
15 received the absentee ballot shall be set aside for
16 consideration by the special precinct election board
17 when it meets as required by section 50.22.

18 Sec. 32. Section 53.37, Code 2005, is amended to
19 read as follows:

20 53.37 DEFINITIONS.

21 1. This division is intended to implement the
22 federal Uniform and Overseas Citizens Absentee Voting
23 Act, 42 U.S.C. § 1973ff et seq.

24 2. The term "armed forces of the United States",
25 as used in this division, shall mean the army, navy,
26 marine corps, coast guard, and air force of the United
27 States.

28 3. For the purpose of absentee voting only, there
29 shall be included in the term "armed forces of the
30 United States" the following:

31 1. a. Spouses and dependents of members of the
32 armed forces while in active service.

33 2. b. Members of the merchant marine of the
34 United States and their spouses and dependents.

35 3. c. Civilian employees of the United States in
36 all categories serving outside the territorial limits
37 of the several states of the United States and the
38 District of Columbia and their spouses and dependents
39 when residing with or accompanying them, whether or
40 not the employee is subject to the civil service laws
41 and the Classification Act of 1949, and whether or not
42 paid from funds appropriated by the Congress.

43 4. d. Members of religious groups or welfare
44 agencies assisting members of the armed forces, who
45 are officially attached to and serving with the armed
46 forces, and their spouses and dependents.

47 5. e. Citizens of the United States who do not
48 fall under any of the categories described in
49 subsections 1 to 4, but who are entitled to register
50 and vote pursuant to section 48A.5, subsection 4.

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1 4. For the purposes of this division, "qualified
2 voter" means a person who is included within the term
3 "armed forces of the United States" as described in
4 this section, who would be qualified to register to
5 vote under section 48A.5, subsection 2, except for
6 residency, and who is not disqualified from
7 registering to vote and voting under section 48A.6.
8 Sec. 33. Section 53.38, Code 2005, is amended to
9 read as follows:

10 53.38 WHAT CONSTITUTES REGISTRATION.
11 Whenever a ballot is requested pursuant to section
12 53.39 or 53.45 on behalf of a voter in the armed
13 forces of the United States, the affidavit upon the
14 ballot envelope of such voter, if the voter is found
15 to be an eligible elector of the county to which the
16 ballot is submitted, shall constitute a sufficient
17 registration under chapter 48A. A completed federal
18 postcard registration and federal absentee ballot
19 request form submitted by such eligible elector shall
20 also constitute a sufficient registration under
21 chapter 48A. The commissioner shall place the voter's
22 name on the registration record as a registered voter
23 if it does not already appear there. The
24 identification requirements of section 48A.8 and the
25 verification requirements of section 48A.25A do not
26 apply to persons who register to vote under this
27 division.

28 Sec. 34. Section 53.41, Code 2005, is amended to
29 read as follows:

30 53.41 RECORDS BY COMMISSIONER – EXCESS REQUESTS
31 OR BALLOTS.

32 The commissioner of each county shall establish and
33 maintain a record of all requests for ballots which
34 are made, and of all ballots transmitted, and the
35 manner of transmittal, from and received in the
36 commissioner's office under the provisions of this
37 division.

38 PARAGRAPH DIVIDED. If more than one request for
39 absent voter's ballot for a particular election is
40 made to the commissioner before the ballots are ready
41 to mail by or on behalf of a voter in the armed forces
42 of the United States, the last request ~~first~~ received
43 shall be honored, except that if one of the requests
44 is made by the voter, ~~and a request on the voter's~~
45 ~~behalf has not been previously honored~~, the request of
46 the voter shall be honored in preference to a request
47 made on the voter's behalf by another.

48 PARAGRAPH DIVIDED. Not more than one ballot shall
49 be transmitted by the commissioner to any voter for a
50 particular election unless after the ballot has been

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1 mailed the voter reports a change in the address to
2 which the ballot should be sent. A ballot shall be
3 mailed using a serial number that indicates that this
4 is a replacement sent to an updated address. The
5 original ballot shall be counted only if the
6 replacement ballot does not arrive. If the
7 commissioner receives more than one absent voter's
8 ballot, provided for by this division, from or
9 purporting to be from any one voter for a particular
10 election, all of the ballots so received from or
11 purporting to be from such voter are void, and the
12 commissioner shall not deliver any of the ballots to
13 the precinct election officials, but shall retain them
14 in the commissioner's office, and preserve them for
15 the period and under the conditions provided for in
16 sections 50.12 through 50.15 and section 50.19.

17 Sec. 35. Section 53.44, unnumbered paragraph 2,
18 Code 2005, is amended to read as follows:

19 Absentee ballots issued under this division shall
20 be returned ~~in the same manner~~ either by mail by the
21 voter or a person designated by the voter or by
22 personal delivery by the voter or a person designated
23 by the voter and within the same time limits specified
24 in section 53.17.

25 Sec. 36. Section 53.53, subsection 4, paragraph a,
26 Code 2005, is amended to read as follows:

27 a. The ballot was submitted from within the United
28 States, unless the voter is a member of the armed
29 forces of the United States, as described in section
30 53.37, subsection 2, on active duty and away from the
31 voter's county of residence for purposes of serving on
32 active duty.

33 Sec. 37. Section 53.53, subsection 4, paragraph b,
34 Code 2005, is amended to read as follows:

35 b. The voter's application for a regular absentee
36 ballot was received by the commissioner less than
37 ~~thirty~~ fourteen days prior to the election.

38 Sec. 38. Section 53.35, Code 2005, is repealed.

39 Sec. 39. APPLICABILITY DATE. This division of
40 this Act applies to elections held on or after January
41 1, 2006.

42 DIVISION III 43 VOTER REGISTRATION

44 Sec. 40. Section 48A.2, Code 2005, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 6. "Voter registration list"
47 means a compilation of voter registration records
48 produced, upon request, from the electronic voter
49 registration file or by viewing, upon request, the
50 original, completed voter registration applications

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1 and forms.

2 Sec. 41. Section 48A.11, subsection 8, Code 2005,
3 is amended to read as follows:

4 8. A voter registration application lacking the
5 registrant's name, sex, date of birth, or residence
6 address or description shall not be processed. A
7 voter registration application lacking the
8 registrant's driver's license number, Iowa
9 nonoperator's identification card number, or the last
10 four digits of the registrant's social security number
11 shall not be processed. A voter registration
12 application lacking the registrant's signature shall
13 not be processed. A registrant whose registration is
14 not processed pursuant to this subsection shall be
15 notified pursuant to section 48A.26, subsection 3. A
16 registrant who does not have an Iowa driver's license
17 number, an Iowa nonoperator's identification number,
18 or a social security number and who notifies the
19 registrar of such shall be assigned a unique
20 identifying number that shall serve to identify the
21 registrant for voter registration purposes.

22 Sec. 42. Section 48A.25A, Code 2005, is amended to
23 read as follows:

24 48A.25A VERIFICATION OF VOTER REGISTRATION
25 INFORMATION.

26 Upon receipt of an application for voter
27 registration ~~by mail~~, the state registrar of voters
28 shall compare the driver's license number, the Iowa
29 nonoperator's identification card number, or the last
30 four numerals of the social security number provided
31 by the registrant with the records of the state
32 department of transportation or the social security
33 administration. To be verified, the voter
34 registration record shall contain the same name, date
35 of birth, and driver's license number or Iowa
36 nonoperator's identification card number or whole or
37 partial social security number as the records of the
38 state department of transportation or social security
39 administration. If the information cannot be
40 verified, the application shall be rejected and the
41 registrant shall be notified of the reason for the
42 rejection. If the information can be verified, a
43 record shall be made of the verification and the
44 application shall be accepted.

45 The voter registration commission shall adopt rules
46 in accordance with chapter 17A to provide procedures
47 for processing registration applications if the state
48 ~~department of transportation does not~~, applications
49 cannot be verified before the close of registration
50 for an election for which the voter registration

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1 ~~otherwise would be effective, if verified, provide a~~
 2 ~~report that the information on the application has~~
 3 ~~matched or not matched the records of the department.~~

4 This section does not apply to persons described in
 5 section 53.37 who are entitled to register to vote and
 6 to vote pursuant to section 48A.5, subsection 4.

7 Sec. 43. Section 48A.26, subsection 4, Code 2005,
 8 is amended to read as follows:

9 4. If the registrant applied by mail to register
 10 to vote and did not answer either "yes" or "no" to the
 11 question in section 48A.11, subsection 3, paragraph
 12 "a", the application shall be processed, ~~but the~~
 13 ~~registration shall be designated as valid only for~~
 14 ~~elections that do not include candidates for federal~~
 15 ~~offices on the ballot.~~ The acknowledgment shall
 16 advise the applicant that the ~~status of the~~
 17 ~~registration is local and the reason for the~~
 18 ~~registration being assigned local status~~ applicant
 19 must submit a new form with the appropriate box
 20 checked. The commissioner shall enclose a new
 21 registration by mail form for the applicant to use.
 22 If the original application is received during the
 23 twelve days before the close of registration for an
 24 election that includes candidates for federal offices
 25 on the ballot, the commissioner shall provide the
 26 registrant with an opportunity to complete the form
 27 before the close of registration.

28 Sec. 44. Section 48A.37, subsection 2, Code 2005,
 29 is amended to read as follows:

30 2. Electronic records shall include a status code
 31 designating whether the records are active, inactive,
 32 ~~local,~~ or pending. Inactive records are records of
 33 registered voters to whom notices have been sent
 34 pursuant to section 48A.28, subsection 3, and who have
 35 not returned the card or otherwise responded to the
 36 notice, and those records have been designated
 37 inactive pursuant to section 48A.29. ~~Local records~~
 38 ~~are records of applicants who did not answer either~~
 39 ~~"yes" or "no" to the question in section 48A.11,~~
 40 ~~subsection 3, paragraph "a".~~ Pending records are
 41 records of applicants whose applications have not been
 42 verified pursuant to section 48A.25A. All other
 43 records are active records. An inactive record shall
 44 be made active when the registered voter votes at an
 45 election, registers again, or reports a change of
 46 name, address, telephone number, or political party
 47 affiliation. A pending record shall be made active
 48 upon verification. ~~A local record shall be valid for~~
 49 ~~any election for which no candidates for federal~~
 50 ~~office appear on the ballot.~~ A registrant with only a

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1 local record shall not vote in a federal election
 2 unless the registrant submits a new voter registration
 3 application before election day indicating that the
 4 applicant is a citizen of the United States.

5 Sec. 45. APPLICABILITY DATE. This division of
 6 this Act applies to elections held on or after January
 7 1, 2006."

8 2. By striking title page 1, line 1, through page
 9 2, line 4, and inserting the following: "An Act
 10 relating to the conduct of elections and voter
 11 registration and including effective date and
 12 applicability provisions."

13 3. By renumbering as necessary.

Amendment H-1067 lost.

Jacobs of Polk offered the following amendment H-1065 filed by her and moved its adoption:

H-1065

1 Amend House File 644 as follows:

2 1. Page 1, by inserting after line 22, the
 3 following:

4 "Sec. __. Section 48A.5, subsection 2, paragraph
 5 c, Code 2005, is amended to read as follows:
 6 c. Be at least eighteen years of age. Completed
 7 registration forms shall be accepted from registrants
 8 who are at least seventeen and a half years of age;
 9 however, the registration shall not be effective until
 10 the registrant reaches the age of eighteen. The
 11 commissioner of registration shall ensure that the
 12 birth date shown on the registration form is at least
 13 seventeen and one-half years earlier than the date the
 14 registration is processed."

15 2. Page 1, line 23, by striking the words and
 16 figures "subsections 4 and 5," and inserting the
 17 following: "subsection 4,".

18 3. Page 1, line 24, by striking the word "are"
 19 and inserting the following: "is".

20 4. Page 1, by striking lines 26 through 28, and
 21 inserting the following: "and did not answer either
 22 "yes" or "no" to the question in section 48A.11,
 23 subsection 3, paragraph "a", the application shall not
 24 be processed, but the."

25 5. Page 2, by striking lines 8 through 16.

26 6. Title page 1, line 1, by inserting after the
 27 words "registration by" the following: "making

28 certain corrective changes,".

29 7. Title page 1, by striking lines 6 and 7, and
30 inserting the following: "than one precinct are
31 located, requiring".

32 8. Title page 1, line 17, by inserting after the
33 word "elections," the following: "modifying the time
34 period during which a person may request an absentee
35 ballot,".

36 9. By renumbering as necessary.

Amendment H-1065 was adopted.

Huser of Polk offered the following amendment H-1077 filed by her and Gaskill of Wapello and moved its adoption:

H-1077

1 Amend House File 644 as follows:

2 1. Page 1, by inserting after line 22, the
3 following:

4 "Sec. ___. Section 43.14, Code 2005, is amended to
5 read as follows:

6 43.14 FORM OF NOMINATION PAPERS.

7 1. Nomination papers shall include a petition and
8 an affidavit of candidacy. All nomination petitions
9 shall be eight and one-half by eleven inches in size
10 and in substantially the form prescribed by the state
11 commissioner of elections. They shall include or
12 provide spaces for the following information:

13 a. A statement identifying the signers of the
14 petition as eligible electors of the appropriate
15 county or legislative district and of the state.

16 b. The name of the candidate nominated by the
17 petition.

18 c. For nomination petitions for candidates for the
19 general assembly, a statement that the residence of
20 the candidate is within the appropriate legislative
21 district, or if that is not true, that the candidate
22 will reside there within sixty days before the
23 election. For other offices, a statement of the name
24 of the county where the candidate resides.

25 d. The political party with which the candidate is
26 a registered voter.

27 e. The office sought by the candidate, including
28 the district number, if any.

29 f. The date of the primary election for which the
30 candidate is nominated.

31 2. Signatures on a petition page shall be counted
32 only if the ~~required~~ information required in
33 subsection 1 is written or printed at the top of the
34 page. Nomination papers on behalf of candidates for

35 seats in the general assembly need only designate the
 36 number of the senatorial or representative district,
 37 as appropriate, and not the county or counties, in
 38 which the candidate and the petitioners reside. A
 39 signature line shall not be counted if the line lacks
 40 the signature of the eligible elector and the signer's
 41 address and city. ~~The person examining the petition~~
 42 ~~shall mark any deficiencies on the petition and~~
 43 ~~affidavit. A signature line shall not be counted if~~
 44 ~~the signer's address is outside the boundaries of the~~
 45 ~~district.~~
 46 2. 3. The person examining the petition shall
 47 mark any deficiencies on the petition and affidavit.
 48 Signed nomination petitions and the signed and
 49 notarized affidavit of candidacy shall not be altered
 50 to correct deficiencies noted during examination. If

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1 the nomination petition lacks a sufficient number of
 2 acceptable signatures, the nomination petition shall
 3 be rejected and shall be returned to the candidate.
 4 4. The nomination papers shall be rejected if the
 5 affidavit lacks any of the following:
 6 a. The candidate's name.
 7 b. The name of the office sought, including the
 8 district, if any.
 9 c. The political party name.
 10 d. The signature of the candidate.
 11 e. The signature of a notary public or other
 12 officer empowered to witness oaths.
 13 5. The candidate may replace a deficient affidavit
 14 with a corrected affidavit only if the replacement
 15 affidavit is filed before the filing deadline. The
 16 candidate may resubmit a nomination petition that has
 17 been rejected by adding a sufficient number of pages
 18 or signatures to correct the deficiency. A nomination
 19 petition and affidavit filed to replace rejected
 20 nomination papers shall be filed together before the
 21 deadline for filing.
 22 Sec. __. Section 45.5, Code 2005, is amended to
 23 read as follows:
 24 **45.5 FORM OF NOMINATION PAPERS.**
 25 1. Nomination papers shall include a petition and
 26 an affidavit of candidacy. All nomination petitions
 27 shall be eight and one-half by eleven inches in size
 28 and shall be in substantially the form prescribed by
 29 the state commissioner of elections. They shall
 30 provide spaces for the following information:
 31 a. A statement identifying the signers of the
 32 petition as eligible electors of the appropriate ward,
 33 city, county, or legislative district, or other

34 district, and of the state of Iowa.

35 b. The name of the candidate nominated by the
36 petition.

37 c. A statement that the candidate is or will be a
38 resident of the appropriate ward, city, county, school
39 district, or legislative or other district as required
40 by section 39.27.

41 d. The office sought by the candidate, including
42 the district number, if any.

43 e. The name and date of the election for which the
44 candidate is nominated.

45 2. Signatures on a petition page shall be counted
46 only if the ~~required~~ information required in
47 subsection 1 is written or printed at the top of the
48 page. Nomination papers on behalf of candidates for
49 seats in the general assembly need only designate the
50 number of the senatorial or representative district,

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1 as appropriate, and not the county or counties, in
2 which the candidate and the petitioners reside. A
3 signature line in a nomination petition shall not be
4 counted if the line lacks the signature of the
5 eligible elector and the signer's address and city.
6 ~~The person examining the petition shall mark any~~
7 ~~deficiencies on the petition. A signature line shall~~
8 ~~not be counted if the signer's address is outside the~~
9 ~~boundaries of the appropriate ward, city, county,~~
10 ~~legislative district, or other district.~~

11 ~~2.~~ 3. The pages of the petition shall be securely
12 fastened together to form a single bundle. Nomination
13 petitions that are not bound shall be returned without
14 further examination. The state commissioner shall
15 prescribe by rule the acceptable methods for binding
16 nomination petitions.

17 ~~3.~~ 4. The person examining the petition shall
18 mark any deficiencies on the petition. Signed
19 nomination petitions and the signed and notarized
20 affidavit of candidacy shall not be altered to correct
21 deficiencies noted during the examination. If the
22 nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be
24 rejected and returned to the candidate.

25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:

27 a. The candidate's name.

28 b. The name of the office sought, including the
29 district, if any.

30 c. The signature of the candidate.

31 d. The signature of a notary public or other
32 officer empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit
 34 with a corrected one only if the replacement is filed
 35 before the filing deadline. The candidate may
 36 resubmit a nomination petition that has been rejected
 37 by adding a sufficient number of pages or signatures
 38 to correct the deficiency. A nomination petition and
 39 affidavit filed to replace rejected nomination papers
 40 shall be filed together before the deadline for
 41 filing.

42 Sec. ____ Section 45.6, subsection 3, Code 2005,
 43 is amended to read as follows:

44 3. All signers, for all nominations, of each
 45 separate part of a nomination petition, shall reside
 46 in the appropriate ward, city, county, school
 47 district, ~~or~~ legislative district, or other district
 48 as required by section 45.1."

49 2. Title page 1, line 2, by inserting before the
 50 word "prohibiting" the following: "modifying

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1 signature requirements on nomination petitions,".

2 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Smith of Marshall.

On the question "Shall amendment H-1077 be adopted?" (H.F. 644)

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn

Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, 2:

Heddens Taylor, D.

Amendment H-1077 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?" (H.F. 644)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker

Whitead
Zirkelbach

Wilderdyke
Mr. Speaker
Rants

Winckler

Wise

The nays were, none.

Absent or not voting, 2:

Heddens

Taylor, D.

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 Files 624 and 644.**

Hoffman of Crawford in the chair at 5:35 p.m.

House File 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment, was taken up for consideration.

Speaker Rants in the chair at 5:36 p.m.

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. 682)

The ayes were, 79:

Alons	Arnold	Baudler	Bell
Boal	Bukta	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins'	Jochum	Jones
Kaufmann	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy

Oldson	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Wildurdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 19:

Anderson	Berry	Davitt	Fallon
Ford	Gaskill	Hogg	Hunter
Jacoby	Kressig	Lukan	Mascher
Olson, D.	Schueller	Shoultz	Taylor, T.
Van Fossen, J.R.	Whitead	Zirkelbach	

Absent or not voting, 2:

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

HOUSE FILE 483 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 483 from further consideration by the House.

House File 700, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment, was taken up for consideration.

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. 700)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

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

House File 717, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty, was taken up for consideration.

Jones of Mills 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. 717)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck

Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schuessler	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

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

HOUSE FILE 542 WITHDRAWN

Lalk of Fayette asked and received unanimous consent to withdraw House File 542 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 682, 700 and 717.**

HOUSE FILE 62 WITHDRAWN

Jones of Mills asked and received unanimous consent to withdraw House File 62 from further consideration by the House.

The House stood at ease at 5:54 p.m., until the fall of the gavel.

The House resumed session at 6:26 p.m., Speaker Rants in the chair.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

Senate File 169, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, was taken up for consideration.

ON THE PART OF THE HOUSE:

CLEL BAUDLER, Chair
 CECIL DOLECHECK
 JIM LYKAM
 KEVIN MCCARTHY
 TOM SANDS

ON THE PART OF THE SENATE:

BOB BRUNKHORST, Co-Chair
 KEITH KREIMAN, Co-Chair
 TOM HANCOCK
 DAVID MILLER
 STEVE WARNSTADT
 BRAD ZAUN

MARGARET A. THOMSON
 Chief Clerk of the House

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 169)

Baudler of Adair called up for consideration the report of the conference committee on Senate File 169 and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 169

To the Co-Presidents of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on Senate File 169, a bill for an Act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3015.

2. That Senate File 169, as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.212, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. **PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE.** Unless specifically excepted in paragraph "d" or "e" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine. A person shall not purchase more than seven thousand five hundred milligrams of pseudoephedrine, either separately or collectively, within a thirty-day period from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity.

d. Any product that contains three hundred sixty milligrams or less of pseudoephedrine, its salts, optical isomers, and salts of its optical isomers, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter pursuant to section 126.23A.

e. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board and relating to the diversion of pseudoephedrine products from legitimate commerce.

Sec. 2. **NEW SECTION.** 124.213 **PHARMACY PSEUDOEPHEDRINE SALE RESTRICTION - PENALTY.**

A person who purchases more than seven thousand five hundred milligrams of pseudoephedrine from a pharmacy in violation of section 124.212 or a retailer in violation of section 126.23A, either separately or collectively, within a thirty-day period commits a serious misdemeanor.

Sec. 3. Section 126.23A, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

126.23A **PSEUDOEPHEDRINE RETAIL RESTRICTIONS.**

1. a. A retailer or an employee of a retailer shall not do any of the following:

(1) Sell a product that contains more than three hundred sixty milligrams of pseudoephedrine in violation of section 124.212, subsection 4.

(2) Knowingly sell more than one package of a product containing pseudoephedrine to a person in a twenty-four-hour period.

(3) Sell a package of a pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction.

b. A retailer or an employee of a retailer shall do the following:

(1) Provide for the sale of a pseudoephedrine product in a locked cabinet or behind a sales counter where the public is unable to reach the product and where the public is not permitted.

(2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

(3) Require the purchaser to legibly sign a logbook and to also require the purchaser to print the purchaser's name and address in the logbook.

(4) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card.

(5) Keep the logbook twelve months from the date of the last entry.

(6) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.

2. A purchaser shall not do any of the following: a. Purchase more than one package of a pseudoephedrine product within a twenty-four-hour period from a retailer.

b. Purchase more than seven thousand five hundred milligrams of pseudoephedrine from a retailer, either separately or collectively, within a thirty-day period.

3. A purchaser shall legibly sign the logbook and also print the purchaser's name and address in the logbook.

4. Enforcement of this section shall be implemented uniformly throughout the state. A political subdivision of the state shall not adopt an ordinance regulating the display or sale of products containing pseudoephedrine. An ordinance adopted in violation of this section is void and unenforceable and any enforcement activity of an ordinance in violation of this section is void.

5. The logbook may be kept in an electronic format upon approval by the department of public safety.

6. A pharmacy that sells a product that contains three hundred sixty milligrams or less of pseudoephedrine on a retail basis shall comply with the provisions of this section with respect to the sale of such product. However, a pharmacy is exempted from the provisions of this section when selling a pseudoephedrine product pursuant to section 124.212.

7. A retailer or an employee of a retailer that reports to any law enforcement agency any alleged criminal activity related to the purchase or sale of pseudoephedrine or who refuses to sell a pseudoephedrine product to a person is immune from civil liability for that conduct, except in cases of willful misconduct.

8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B.

9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6.

10. As used in this section, "retailer" means a person or business entity engaged in this state in the business of selling products on a retail basis. An "employee of a retailer" means any employee, contract employee, or agent of the retailer.

Sec. 4. NEW SECTION. 126.23B CIVIL PENALTY.

1. A city or a county may enforce section 126.23A, after giving the retailer an opportunity to be heard upon ten days' written notice by restricted certified mail stating the alleged violation and the time and place at which the retailer may appear and be heard.

2. For a violation of section 126.23A by the retailer or an employee of the retailer a civil penalty shall be assessed against the retailer as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars.

b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars.

c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of two thousand dollars. The retailer may also be prohibited from selling pseudoephedrine for up to three years from the date of assessment of the civil penalty.

d. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of three thousand dollars. On a fourth or subsequent violation, the retailer shall be prohibited from selling pseudoephedrine products for three years from the date of the assessment of the civil penalty.

3. The city or county that takes legal action against a retailer under this section shall report the assessment of a civil penalty to the department of public safety within thirty days of the penalty being assessed.

4. The civil penalty shall be collected by the clerk of the district court and shall be distributed as provided in section 602.8105, subsection 4.

Sec. 5. Section 602.8105, subsection 4, Code 2005, is amended to read as follows:

4. The clerk of the district court shall collect a civil penalty assessed against a retailer pursuant to section ~~126.23A-126.23B~~. Any moneys collected from the civil penalty shall be distributed to the ~~state or a political subdivision of the state as provided in city or county that brought the enforcement action for a violation of section 126.23A, subsection 7.~~ Sec. 6. Section 714.7C, Code 2005, is amended to read as follows:

714.7C THEFT OF PSEUDOEPHEDRINE - ENHANCEMENT.

Notwithstanding section 714.2, subsection 5, a person who commits a simple misdemeanor theft of ~~more than two packages a product~~ containing ~~any of the following pseudoephedrine~~ from a retailer as defined in section 126.23A commits a serious misdemeanor:

~~1. Pseudoephedrine as the product's sole active ingredient.~~

~~2. Pseudoephedrine in combination with other active ingredients. A simple misdemeanor theft of more than two packages containing pseudoephedrine as the products' sole active ingredient which are in liquid form does not constitute a serious misdemeanor under this section.~~

Sec. 7. Section 804.21, subsection 1, Code 2005, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine. If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of the release, or as soon as practicable on the next subsequent working day of the court, either approve in writing of the release, or disapprove of the release and issue a warrant for the person's arrest.

Sec. 8. Section 804.22, unnumbered paragraph 2, Code 2005, is amended to read as follows: This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine.

The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

Sec. 9. Section 805.8C, subsection 6, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

6. PSEUDOEPHEDRINE SALES VIOLATIONS. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, by a purchaser, the scheduled fine is as follows:

- a. If the violation is a first offense, the scheduled fine is one hundred dollars.
- b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.
- c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

Sec. 10. Section 811.2, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 11. Section 811.2, subsection 3, Code 2005, is amended to read as follows:

3. RELEASE AT INITIAL APPEARANCE. This chapter does not preclude the release of an arrested person as authorized by section 804.21, unless the arrested person is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine.

Sec. 12. RETAILER COMPLIANCE. Be it deemed necessary for public safety purposes, retailers shall begin to take steps to come into compliance with the provisions of this Act as soon as possible.

Sec. 13. DRUG POLICY COORDINATOR – REPORT. The drug policy coordinator shall report, in a joint meeting, to the committee on judiciary of the senate and the committee on public safety of the house of representatives in January 2006 and in January 2007, the effects of this Act on methamphetamine abuse and related criminal activity.

Sec. 14. EFFECTIVE DATES. This Act takes effect sixty days from the date of enactment or July 1, 2005, whichever is earlier. However, the portion of the section of this Act amending section 124.212, subsection 4, which makes all ephedrine products schedule V controlled substances, and the sections of this Act amending sections 804.21, 804.22, and

ON THE PART OF THE HOUSE:

- CLEL BAUDLER, Chair
- CECIL DOLECHECK
- JIM LYKAM
- KEVIN MCCARTHY
- TOM SANDS

ON THE PART OF THE SENATE:

- BOB BRUNKHORST, Co-Chair
- KEITH KREIMAN, Co-Chair
- TOM HANCOCK
- DAVID MILLER
- STEVE WARNSTADT
- BRAD ZAUN

The motion prevailed and the conference committee report was adopted.

Baudler of Adair 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. 169)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2

Heddens Taylor, D.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 169** be immediately messaged to the Senate.

HOUSE FILE 704 REREFERRED

The Speaker announced that House File 704, previously referred to **the calendar** was rereferred to committee on **judiciary**.

HOUSE FILE 791 REREFERRED

The Speaker announced that House File 791, previously referred to **the calendar** was rereferred to committee on **ways and means**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 14, 2005. Had I been present, I would have voted "aye" on House Files 370, 398, 423, 438, 469, 476, 480, 581, 607 and Senate Files 139 and 141. I would have voted "nay" on House Files 479, 529, 642 and amendment H-1056.

T. TAYLOR of Linn

I was necessarily absent from the House chamber on March 15, 2005. Had I been present, I would have voted "aye" on House Files 440, 478, 512, 532, 580, 683 and Senate File 169.

FORD 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

- | | |
|----------|---|
| 2005\764 | Susan Mitchell, West Liberty -- For celebrating her 101 st birthday. |
| 2005\765 | Bernice Poock, West Liberty -- For celebrating her 80 th birthday. |
| 2005\766 | Beulah McDaniel, Clarence -- For celebrating her 80 th birthday. |
| 2005\767 | Maxine Maher, Iowa City -- For celebrating her 90 th birthday. |

- 2005\768 Richard and Arla Mae Ebers, Lowden – For celebrating their 50th wedding anniversary.
- 2005\769 Elmer and Luva Jean Peterson, Tipton – For celebrating their 65th wedding anniversary.
- 2005\770 Charlie Broghammer, West Union – For celebrating 52 years of volunteer service on the West Union Fire Department.
- 2005\771 Elda Steege, Tripoli – For celebrating her 90th birthday.
- 2005\772 Dorothy McAllister, Oelwein – For celebrating her 90th birthday.
- 2005\773 Orville Duecker, Frederika – For celebrating his 80th birthday.
- 2005\774 Alice Bock, Tripoli – For celebrating her 85th birthday.
- 2005\775 Betty Heffern, Mason City – For celebrating 80th birthday.
- 2005\776 Earl Berghefer, Mason City – For celebrating his 86th birthday.
- 2005\777 Rev. Albert Kleinsasser, Mason City – For celebrating his 94th birthday.
- 2005\778 Margaret de Haas, Rock Valley – For celebrating her 90th birthday.
- 2005\779 Ryan Douglas Luehring, Gladbrook – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\780 Delia Delger, Kanawha – For celebrating her 90th birthday.
- 2005\781 Norris and Esther Skadburg, Eagle Grove – For celebrating their 65th wedding anniversary.
- 2005\782 Paul and Margaret Brim, Webster City – For celebrating their 70th wedding anniversary.
- 2005\783 John and Hermina Lode, Sheldon – For celebrating their 65th wedding anniversary.
- 2005\784 Anna Kreykes, Sheldon – For celebrating her 90th birthday.
- 2005\785 Luella Hollander, Matlock – For celebrating her 90th birthday.
- 2005\786 Marion and Ruth Van Zandbergen, Sioux Center – For celebrating their 50th wedding anniversary.
- 2005\787 Howard and Jo Ann Radunz, Ocheyedan – For celebrating their 50th wedding anniversary.

- 2005\788 Simon and Wilma De Boers, Sheldon – For celebrating their 50th wedding anniversary.
- 2005\789 South Tama County High School Marching Band and Director Mike Carnahan, South Tama County High School – For being selected to represent Iowa in the National Independence Day Parade in Washington, D.C.
- 2005\790 Theresa Albright, Farragut – For being inducted into the Iowa Girls Basketball Hall of Fame.
- 2005\791 Dustin Hinschberger, Belle Plaine – For winning the NCAA Division III wrestling championship.
- 2005\792 Genevieve Rockwell, Oskaloosa – For celebrating her 90th birthday.
- 2005\793 Edna Chyma, Grinnell – For celebrating her 94th birthday.
- 2005\794 Keith Vosburg, Grinnell – For celebrating his 80th birthday.
- 2005\795 Rachel Sanders, Grinnell – For celebrating her 90th birthday.
- 2005\796 Raymond and Shirley Larsen, Grinnell – For celebrating their 50th wedding anniversary.
- 2005\797 Pauline Burlingame, Grinnell – For celebrating her 90th birthday.
- 2005\798 Dorothy Wolf, Grinnell – For celebrating her 86th birthday.
- 2005\799 Blanche Dermody, Parnell – For celebrating her 80th birthday.
- 2005\800 Elenora Kozishek, Amana – For celebrating her 100th birthday.
- 2005\801 Lloyd Ewoldt, Davenport – For celebrating his 90th birthday.
- 2005\802 Florence Bethurum, Dixon – For celebrating her 100th birthday.
- 2005\803 Mr. and Mrs. Robert Petersen, Walcott – For celebrating their 50th wedding anniversary.
- 2005\804 Jack and Helen Hamburg, Cantril – For celebrating their 50th wedding anniversary.
- 2005\805 Dorsey and Juanita Haney, Cantril – For celebrating their 65th wedding anniversary.
- 2005\806 Charter Oak-Ute Lady Bobcats and Coaches Brian DeJong and Heather Block, Charter Oak-Ute High School – For winning the class 1-A 2005 Girls State Basketball Championship.

- 2005\807 Tom and Eleanor Rosauer, Denison – For celebrating their 59th wedding anniversary.
- 2005\808 Rita Fox, Sigourney – For celebrating her 90th birthday.
- 2005\809 Merle and Mary Cingman, Hedrick – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 513

Ways and Means: Huser, Chair; Eichhorn and Struyk.

House File 779

Education: Tomenga, Chair; Cohoon and Paulsen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 282

Ways and Means: Upmeyer, Chair; Drake and Frevert.

House Study Bill 283

Ways and Means: Paulsen, Chair; Hogg and Kaufmann.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 284 Appropriations

Relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

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 276), relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly House Study Bill 277), relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly House Study Bill 278), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 2005.

Committee Bill (Formerly House Study Bill 279), relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 242), relating to electronic notices of bidding opportunities for state purchases and of any extension or renewal of existing contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 8), expanding the child and dependent care credit under the individual income tax and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly House Study Bill 207), providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 2005.

RESOLUTION FILED

SCR 5, by McKibben and Dotzler, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1089	H.F.	712	Schickel of Cerro Gordo D. Olson of Boone
H—1090	H.F.	686	T. Taylor of Linn Paulsen of Linn
H—1091	H.F.	551	Raecker of Polk
H—1092	H.F.	727	Carroll of Poweshiek
H—1093	H.F.	732	Boal of Polk Raecker of Polk Jacobs of Polk Elgin of Linn
H—1094	H.F.	791	Greiner of Washington
H—1095	H.F.	537	Kurtenbach of Story Huser of Polk Van Engelenhoven of Marion
H—1096	H.F.	759	Baudler of Adair
H—1097	H.F.	728	Raecker of Polk

On motion by Gipp of Winneshiek the House adjourned at 6:38 p.m., until 8:45 a.m., Thursday, March 17, 2005.

JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day - Forty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 17, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker Rants in the chair.

Prior to convening Representative Ed Fallon of Polk and an Irish Band entertained the House as Representative Dolores Mertz danced the traditional "Irish jig".

Prayer was offered by Reverend Ron Burcham, pastor of Gloria Dei Lutheran Church, Urbandale. He was the guest of Representative Scott Raecker from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 16, 2005 was approved.

INTRODUCTION OF BILLS

House File 805, by committee on agriculture, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties.

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

House File 806, by committee on agriculture, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

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

SENATE MESSAGES CONSIDERED

Senate Joint Resolution 6, by Gronstal and Iverson, a joint resolution authorizing the temporary use and consumption of wine in

the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

Senate Joint Resolution 7, by Gronstal and Iverson, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Read first time and referred to committee on **administration and rules**.

Senate File 342, by committee on appropriations, a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

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

Senate File 346, by committee on appropriations, 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.

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

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:05 p.m., Mertz of Kossuth in the chair.

INTRODUCTION OF BILLS

House File 807, by committee on appropriations, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date.

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

House File 808, by committee on appropriations, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

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

House File 809, by committee on appropriations, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

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

House File 810, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

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

House File 811, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system.

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 17, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, a concurrent resolution designating March 2005 as Iowa Women's History Month.

MICHAEL E. MARSHALL, Secretary

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 6.

ADOPTION OF SENATE CONCURRENT RESOLUTION 6

Maddox of Polk called up for consideration **Senate Concurrent Resolution 6**, a concurrent resolution designating March 2005 as Iowa Women's History Month, and moved its adoption.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate Concurrent Resolution 6** be immediately messaged to the Senate.

SPECIAL PRESENTATION

In celebration of "March Women's History Month", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Maddox of Polk and Winckler of Scott presented the following winners of the contest:

Sixth and Seventh Grade Category

First Place — Sophia Dove of Prairie Middle School, Cedar Rapids.

Second Place — Johanna Uthoff of Prairie Middle School, Cedar Rapids.

Third Place — Ariel Sinclair of Woodrow Wilson Junior High School, Council Bluffs.

Eighth and Ninth Grade Category

First Place — Robyn Michelle Johnson of Eddyville-Blakesburg High School.

Second Place — Annie Klodd of Indianola Middle School.

Third Place — Kathryn M. Skilton of Nashua-Plainfield High School.

Best Essays on Women in Science and Engineering

Six and Seventh Grade Category

First Place — Courtney Ruff of Woodrow Wilson Junior High School, in Council Bluffs.

Edith Rose Murphy Sackett Award for the
Best Essay on a Women Volunteer

First Place — Suzanne Sontag of Parkview Middle School, Ankeny.

Second Place — Korbin Hoffman of Prairie Middle School, Cedar Rapids.

SENATE FILE 330 REREFERRED

The Speaker announced that Senate File 330, previously referred to committee on **judiciary** was **passed on file**.

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

- | | |
|----------|--|
| 2005\810 | Charles and Elretta Wagner, Ottumwa – For celebrating their 66 th wedding anniversary. |
| 2005\811 | Andrew Novotny, Walker – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2005\812 | Robert and Wanda Van De Krol, Sully – For celebrating their 50 th wedding anniversary. |
| 2005\813 | Iowa Public Health Association – For celebrating Public Health Week in Iowa, April 4-10, 2005. |

SUBCOMMITTEE ASSIGNMENTS

House File 502

Appropriations: Dix, Chair; Smith and Watts.

House File 519

Appropriations: Dix, Chair; Dandekar and Watts.

House File 522

Appropriations: Dix, Chair; Mascher and Watts.

House File 564

Appropriations: Huseman, Chair; Thomas and Watts.

House File 639

Appropriations: Jenkins, Chair; Lukan and Thomas.

House File 656

Appropriations: Dix, Chair; Kuhn and Watts.

House File 671

Appropriations: Horbach, Chair; De Boef and Smith.

House File 692

Ways and Means: Shomshor, Chair; Paulsen and Tomenga.

House File 698

Appropriations: Lukan, Chair; Dandekar and May.

House File 704

Judiciary: Paulsen, Chair; Anderson, Jochum, Swaim and Tymeson.

House File 709

Appropriations: Heaton, Chair; Roberts and Smith.

House File 715

Appropriations: Roberts, Chair; Jacobs and Kuhn.

House File 731

Appropriations: Jenkins, Chair; Petersen and Watts.

House File 736

Appropriations: Sands, Chair; May and Petersen.

House File 792

Appropriations: Jenkins, Chair; Thomas and Watts.

Senate File 282

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

Senate File 323

Judiciary: Eichhorn, Chair; Lensing and J.R. Van Fossen.

Senate File 345

Judiciary: Kaufmann, Chair; R. Olson and Paulsen.

Senate File 353

Natural Resources: Arnold, Chair; Rasmussen and Whitaker.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 285 Ways and Means**

Relating to entities eligible to claim certain property-related tax credits.

H.S.B. 286 Ways and Means

Establishing an economic development tax credit certificate transfer program.

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 256), relating to the funding of, the operation of, moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 2005.

COMMITTEE ON STATE GOVERNMENT

Senate File 123, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1102** March 17, 2005.

RESOLUTIONS FILED

HR 21, by Arnold, a resolution relating to Iowa's contribution to a hydrogen-powered economy.

Laid over under **Rule 25**.

HR 22, by Lensing, Jochum, Shoultz, Masher and Winckler, a resolution honoring Robert J. Osterhaus.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1098	H.F.	797	Wilderdyke of Harrison
H—1099	H.F.	754	Eichhorn of Hamilton
H—1100	H.F.	589	Kurtenbach of Story
H—1101	H.F.	789	Roberts of Carroll
H—1102	S.F.	123	Committee on State Government
H—1103	H.F.	702	Struyk of Pottawattamie
H—1104	H.F.	793	Jochum of Dubuque
H—1105	H.F.	760	Kurtenbach of Story
H—1106	H.F.	752	Mascher of Johnson

On motion by Gipp of Winneshiek the House adjourned at 1:15 p.m., until 9:00 a.m., Friday, March 18, 2005.

JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day - Forty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 18, 2005

The House met pursuant to adjournment at 8:52 a.m., Gipp of Winneshiek in the chair.

The Journal of Thursday, March 17, 2005 was approved.

INTRODUCTION OF BILLS

House File 812, by Gaskill, a bill for an act providing for a retail business property tax credit for property taxes due, making an appropriation, and including an applicability date provision.

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

House File 813, by committee on ways and means, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

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

RESOLUTION FILED

HR 23, by Mertz, a resolution honoring the city of Livermore on its quasiquicentennial year.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1107	H.F.	752	Smith of Marshall
H—1108	H.F.	752	Hunter of Polk
H—1109	H.F.	752	Hunter of Polk
H—1110	H.F.	752	Hunter of Polk
H—1111	H.F.	752	Hunter of Polk
H—1112	H.F.	718	Ford of Polk

H—1113	H.F.	747	Ford of Polk Raecker of Polk
H—1114	H.F.	752	Hunter of Polk

On motion by Tymeson of Madison the House adjourned at 8:53 a.m., until 1:00 p.m., Monday, March 21, 2005.

JOURNAL OF THE HOUSE

Seventy-first Calendar Day - Forty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 21, 2005

The House met pursuant to adjournment at 1:08 p.m., Speaker Rants in the chair.

Prayer was offered by Chaplin Charlene Cox, pastor of Waldorf College, Forest City. She was the guest of Representative Henry Rayhons from Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Linn County Home School Choir. They were the guests of Representative Kraig Paulsen from Linn County.

The Journal of Friday, March 18, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello until Wednesday, March 23, 2005; Foege of Linn, on request of Murphy of Dubuque.

INTRODUCTION OF BILL

House File 814, by committee on government oversight, a bill for an act relating to electronic notices of bidding opportunities for state purchases.

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

On motion by Gipp of Winneshiek, the House was recessed at 1:15 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:24 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 seventy-seven members present, twenty-three absent.

CONSIDERATION OF BILLS Regular Calendar

House File 746, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district, was taken up for consideration.

Arnold of Lucas 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. 746)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevort	Gipp
Granzow	Greiner	Heaton	Heddens
Hogg	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts

Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Roberts,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Foege	Gaskill	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 341 WITHDRAWN

Arnold of Lucas asked and received unanimous consent to withdraw House File 341 from further consideration by the House.

House File 787, a bill for an act relating to information to be reported regarding an induced termination of pregnancy performed on a minor, and making penalties applicable, 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. 787)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen

Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueler
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

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

House File 613, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas, was taken up for consideration.

Wilderdyeke of Harrison 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. 613)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.

Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 1:

Olson, R.

Absent or not voting, 2:

Foege Gaskill

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

House File 617, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, was taken up for consideration.

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. 617)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen

Petersen	Pettengill	Quirk	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Foege	Gaskill	Raecker
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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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 613, 617, 746 and 787.**

House File 712, a bill for an act allowing counties to share the services of certain elective county officers, was taken up for consideration.

D. Olson of Boone asked and received unanimous consent to withdraw amendments H-1083, H-1084 and H-1086 filed by Gaskill of Wapello on March 15, 2005.

Schickel of Cerro Gordo offered the following amendment H-1089 filed by him and D. Olson of Boone and moved its adoption:

H-1089

- 1 Amend House File 712 as follows:
- 2 1. Page 1, by inserting after line 4, the
- 3 following:
- 4 "Sec. __. Section 69.14A, subsection 2, paragraph
- 5 b, unnumbered paragraph 1, Code 2005, is amended to
- 6 read as follows:
- 7 By special election held to fill the office for the

8 remaining balance of the unexpired term. The board of
 9 supervisors may, on its own motion, or shall, upon
 10 receipt of a petition as provided in paragraph "a" or
 11 "c", call for a special election to fill the vacancy
 12 in lieu of appointment. The supervisors shall order
 13 the special election at the earliest practicable date,
 14 but giving at least thirty-two days' notice of the
 15 election. A special election called under this
 16 section shall be held on a Tuesday and shall not be
 17 held on the same day as a school election within the
 18 county."

19 2. Page 1, line 20, by inserting after the word
 20 "county" the following: "but that the electors of the
 21 county have the right to file a petition requiring
 22 that the vacancy be filled by special election".

23 3. Page 1, by inserting after line 26, the
 24 following:

25 "However, if within fourteen days after publication
 26 of the notice or within fourteen days after the
 27 appointment is made, a petition is filed with the
 28 county auditor requesting a special election to fill
 29 the vacancy, the appointment is temporary and a
 30 special election shall be called as provided in
 31 paragraph "b". The petition shall meet the
 32 requirements of section 331.306."

33 4. By renumbering as necessary.

Amendment H-1089 was adopted.

Schickel of Cerro Gordo 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. 712)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevrt	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy

Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Roberts, Presiding	

The nays were, 2:

Reichert Zirkelbach

Absent or not voting, 3:

Foege Gaskill Watts

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

Paulsen of Linn in the chair at 4:00 p.m.

House File 718, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1112 filed by him on March 18, 2005.

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

On the question "Shall the bill pass?" (H.F. 718)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Ford
Freeman	Frevert	Gipp	Granzow

Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Petersen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Paulsen, Presiding		

The nays were, 4:

Fallon	Hunter	Pettengill	Schickel
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Absent or not voting, 2:

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

House File 738, a bill for an act concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions, was taken up for consideration.

Wilderdyke of Harrison 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. 738)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Ford
Freeman	Everett	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Paulsen, Presiding		

The nays were, 4:

Dix	Lalk	Olson, R.	Zirkelbach
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Absent or not voting, 2:

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

HOUSE FILE 263 WITHDRAWN

Rasmussen of Buchanan asked and received unanimous consent to withdraw House File 263 from further consideration by the House.

HOUSE FILE 232 WITHDRAWN

Schickel of Cerro Gordo asked and received unanimous consent to withdraw House File 232 from further consideration by the House.

HOUSE FILE 576 WITHDRAWN

Wildurdyke of Harrison asked and received unanimous consent to withdraw House File 576 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 712, 718 and 738.**

House File 760, a bill for an act relating to dependent adults and the provision of protective services, was taken up for consideration.

Kurtenbach of Story offered the following amendment H-1105 filed by him and moved its adoption:

H-1105

- 1 Amend House File 760 as follows:
- 2 1. Page 1, line 28, by inserting after the words
- 3 "to the" the following: "physical or financial".
- 4 2. Page 2, line 5, by inserting after the words
- 5 "to the" the following: "physical or financial".
- 6 3. Page 2, line 18, by inserting after the words
- 7 "to the" the following: "physical or financial".
- 8 4. By renumbering as necessary.

Amendment H-1105 was adopted.

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

On the question "Shall the bill pass?" (H.F. 760)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson

Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Paulsen, Presiding		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 254, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near certain property, and providing for a penalty, was taken up for consideration.

Alons of Sioux 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. 254)

The ayes were, 87:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Frevert	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lukan	Lykam	Maddox
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert

Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Wise	Zirkelbach	Paulsen, Presiding	

The nays were, 11:

Fallon	Ford	Hunter	Jochum
Lensing	Mascher	May	Olson, R.
Shultz	Wessel-Kroeschell	Winckler	

Absent or not voting and 2:

Foege	Gaskill
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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 MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 254 and 760.**

HOUSE FILE 544 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 544 from further consideration by the House.

HOUSE FILE 788 REREFERRED

The Speaker announced that House File 788, previously referred to the **calendar** was rereferred to committee on **ways and means.**

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 21, 2005. Had I been present, I would have voted "aye" on House File 617.

RAECKER of Polk

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 21st day of March, 2005: House Files 141 and 281.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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

- | | |
|----------|---|
| 2005\814 | Grundy Center Academic Decathlon Team and Coach Don Osterhaus, Grundy Center – For winning the Iowa Academic Decathlon competition. |
| 2005\815 | Grundy Center High School Girls' Basketball Team and Coach Al Jones, Grundy Center – For winning the Class 2-A Girls State Basketball Championship. |
| 2005\816 | Dr. Rita Vannatta, Sioux City – For being named Iowa Elementary Principal of the Year. |
| 2005\817 | Jordan Ahrendt, Sioux City – For being named a State of Iowa Scholar. |
| 2005\818 | Mohammadali Anwar, Sioux City – For being named a State of Iowa Scholar. |
| 2005\819 | Joe Canny, Sioux City – For being named a State of Iowa Scholar. |
| 2005\820 | Joseph Ellickson, Sioux City – For being named a State of Iowa Scholar. |
| 2005\821 | Gwen Hildebrand, Sioux City – For being named a State of Iowa Scholar. |

- 2005\822 Joshua Huju, Sioux City – For being named a State of Iowa Scholar.
- 2005\823 Jenna Kalin, Sioux City – For being named a State of Iowa Scholar.
- 2005\824 Spencer Martin, Sioux City – For being named a State of Iowa Scholar.
- 2005\825 Michael Paciocco, Sioux City – For being named a State of Iowa Scholar.
- 2005\826 Audrey Ray, Sioux City – For being named a State of Iowa Scholar.
- 2005\827 Regan Roat, Sioux City – For being named a State of Iowa Scholar.
- 2005\828 David Samuelson, Sioux City – For being named a State of Iowa Scholar.
- 2005\829 Carly Sitzman, Sioux City – For being named a State of Iowa Scholar.
- 2005\830 Christy Vongphakdy, Sioux City – For being named a State of Iowa Scholar.
- 2005\831 Natalie Wanner, Sioux City – For being named a State of Iowa Scholar.
- 2005\832 Melissa Wrenn, Sioux City – For being named a State of Iowa Scholar.
- 2005\833 Amanda Goss, Sioux City – For being named a State of Iowa Scholar.
- 2005\834 Victoria Hilton, Sioux City – For being named a State of Iowa Scholar.
- 2005\835 Laura Lenhart, Sioux City – For being named a State of Iowa Scholar.
- 2005\836 Joshua Ludeking, Sioux City – For being named a State of Iowa Scholar.
- 2005\837 David McNertney, Sioux City – For being named a State of Iowa Scholar.
- 2005\838 Ali Oestreich, Sioux City – For being named a State of Iowa Scholar.
- 2005\839 Erin Dirks, George – For being named to the 2005 Girls State Class 1-A All-Tournament Basketball Team.
- 2005\840 Leona Thomsen, Davenport – For celebrating her 80th birthday.

- 2005\841 Ellen Watland, Inwood – For celebrating her 90th birthday.
- 2005\842 Hilda Ten Haken, Hull – For celebrating her 90th birthday.
- 2005\843 Bob and Bonnie Meighan, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\844 Lawrence and Kathleen Sorenson, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\845 Lorna Covanaugh, Waterloo – For celebrating her 80th birthday.
- 2005\846 Helen J. Miller, Waterloo – For celebrating her 80th birthday.
- 2005\847 Ray E. Mahlo, Waterloo – For celebrating his 80th birthday.
- 2005\848 Bettendorf High School Bulldogs Basketball Team, Bettendorf – For winning the 2005 4-A State Basketball Championship.
- 2005\849 Coach Kevin Skillett, Bettendorf – For coaching the Bettendorf High School Bulldogs to the 2005 4-A State Basketball Championship.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 287 Ways and Means

Exempting certain environmental test laboratory services from the state sales and use taxes.

AMENDMENTS FILED

H—1115	H.F.	797	Wilderdyke of Harrison
H—1116	H.F.	793	Wendt of Woodbury
H—1117	H.F.	540	Tomenga of Polk
H—1118	H.F.	785	Carroll of Poweshiek
H—1119	H.F.	551	Raecker of Polk
H—1120	H.F.	786	Carroll of Poweshiek Wendt of Woodbury
H—1121	H.F.	722	Smith of Marshall
H—1122	H.F.	686	Jenkins of Black Hawk Dolecheck of Ringgold
H—1123	H.F.	811	Mascher of Johnson
H—1124	H.F.	811	Mascher of Johnson
H—1125	H.F.	686	Dolecheck of Ringgold
H—1126	H.F.	811	Horbach of Tama T. Taylor of Linn

H—1127	H.C.R.	10	Swaim of Davis
H—1128	H.F.	587	Upmeyer of Hancock Jacoby of Johnson
H—1129	H.F.	710	Upmeyer of Hancock Jacoby of Johnson
H—1130	H.F.	585	Upmeyer of Hancock Jacoby of Johnson
H—1131	H.C.R.	10	Swaim of Davis
H—1132	H.F.	686	Dolecheck of Ringgold

On motion by Gipp of Winneshiek the House adjourned at 4:42 p.m., until 8:45 a.m., Tuesday, March 22, 2005.

JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fiftieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 22, 2005

The House met pursuant to adjournment at 8:50 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Maurice Moore, pastor of Sunnyside Baptist Church, Montrose. He was the guest of Representative Phil Wise from Lee County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 21, 2005 was approved.

INTRODUCTION OF BILLS

House File 815, by Huser and Jacobs, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

Read first time and referred to committee on **ways and means**.

House File 816, by committee on appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department of the blind, the department of cultural affairs, the department of education, and the state board of regents.

Read first time and placed on the **appropriations calendar**.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 10:31 a.m., Speaker Rants in the chair.

SPECIAL PRESENTATION

Jenkins of Blackhawk introduced to the House Greg Brkich, Doreen Hamilton and Randy Weekes, legislators from Saskatchewan, Canada, and presented them with a gift. Doreen Hamilton addressed the House briefly regarding the manner in which the Canadian

legislature is organized. They are a part of the Legislative Exchange Program from the Council of Governments.

The House rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Foego of Linn on request of Murphy of Dubuque.

CONSIDERATION OF BILLS

Regular Calendar

House File 786, a bill for an act relating to the operating or providing of another business or activity in a health care facility, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-1120 filed by him and Wendt of Woodbury and moved its adoption:

H-1120

- 1 Amend House File 786 as follows:
 2 1. By striking page 1, line 33 through page 2,
 3 line 2, and inserting the following: "health care
 4 facility. For the purposes of this section, "another
 5 business or activity" shall not include laboratory
 6 services with the exception of laboratory services for
 7 which a waiver from regulatory oversight has been
 8 obtained under the federal Clinical Laboratory
 9 Improvement Amendments of 1988, Pub. L. No. 100-578,
 10 as amended, radiological services, anesthesiology
 11 services, obstetrical services, surgical services, or
 12 emergency room services provided by hospitals licensed
 13 under chapter 135B."

Amendment H-1120 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. 786)

The ayes were, 98:

Alons
Bell

Anderson
Berry

Arnold
Boal

Baudler
Bukta

Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 774, a bill for an act relating to the petition and vote requirements for increasing or reducing board of supervisors membership in certain counties, 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?" (H.F. 774)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevort	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdryke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 767, a bill for an act relating to a schedule established by the environmental protection commission for civil penalties, was taken up for consideration.

Watts of Dallas 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. 767)

The ayes were, 69:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin

Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Lykam	Maddox
May	McCarthy	Mertz	Miller
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Shomshor	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Wise
Mr. Speaker			
Rants			

The nays were, 29:

Berry	Bukta	Davitt	Fallon
Ford	Frevert	Heddens	Hogg
Hunter	Jochum	Kressig	Kuhn
Lensing	Mascher	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Schueller
Shoultz	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Zirkelbach			

Absent or not voting, 2:

Foege	Gaskill
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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 MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 767, 774 and 786.**

House File 585, a bill for an act relating to assisted living programs and providing for a fee, was taken up for consideration.

Upmeyer of Hancock offered amendment H-1130 filed by her and Jacoby of Johnson as follows:

H-1130

1 Amend House File 585 as follows:

2 1. Page 2, line 14, by inserting after the word
3 "subsection" the following: "and inserting in lieu
4 thereof the following:

5 7. "Medication setup" means assistance with
6 various steps of medication administration to support
7 a tenant's autonomy, which may include but is not
8 limited to routine prompting, cueing and reminding,
9 opening containers or packaging at the direction of
10 the tenant, reading instructions or other label
11 information, or transferring medications from the
12 original container into suitable medication dispensing
13 containers, reminder containers, or medication cups."

14 2. Page 7, line 24, by inserting after the word
15 "chapter," the following: "including the conclusion
16 of all administrative appeals processes."

17 3. By striking page 8, line 30, through page 9,
18 line 11, and inserting the following:

19 "h. g. In the case of any officer, member of the
20 board of directors, trustee, or designated manager of
21 the program or any stockholder, partner, or individual
22 who has greater than a ten percent equity interest in
23 the program, who has or has had an ownership interest
24 in an assisted living program, adult day services
25 program, elder group home, home health agency,
26 residential care facility, or licensed nursing
27 facility in any state which has been closed due to
28 removal of program, agency, or facility licensure or
29 certification or involuntary termination from
30 participation in either the medical assistance or
31 Medicare programs, or who has been found to have
32 failed to provide adequate protection or services for
33 tenants to prevent abuse or neglect.

34 i. h. In the case of a certificate applicant or
35 an existing certified owner or operator who is an
36 entity other than an individual, the person is in a
37 position of control or is an officer of the entity and
38 engages in any act or omission proscribed by this
39 chapter."

40 4. Page 9, line 12, by striking the word "g." and
41 inserting the following: "i."

42 5. Page 9, by inserting after line 13, the
43 following:

44 "Sec. __. Section 231C.14, Code 2005, is amended
45 by adding the following new subsection:
46 NEW SUBSECTION. 3. Preventing or interfering with
47 or attempting to impede in any way any duly authorized
48 representative of the department of inspections and
49 appeals in the lawful enforcement of this chapter or
50 of the rules adopted pursuant to this chapter. As

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1 used in this subsection, "lawful enforcement" includes
2 but is not limited to:

3 a. Contacting or interviewing any tenant of an
4 assisted living program in private at any reasonable
5 hour and without advance notice.

6 b. Examining any relevant records of an assisted
7 living program.

8 c. Preserving evidence of any violation of this
9 chapter or of the rules adopted pursuant to this
10 chapter.

11 Sec. __. Section 231C.15, Code 2005, is amended
12 to read as follows:

13 **231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.**

14 ~~1. A person establishing, conducting, managing, or~~
15 ~~operating any assisted living program without a~~
16 ~~certificate is guilty of a serious misdemeanor. Each~~
17 ~~day of continuing violation after conviction or notice~~
18 ~~from the department of inspections and appeals by~~
19 ~~certified mail of a violation shall be considered a~~
20 ~~separate offense or chargeable offense. A person~~
21 ~~establishing, conducting, managing, or operating an~~
22 ~~assisted living program without a certificate may be~~
23 ~~temporarily or permanently restrained by a court of~~
24 ~~competent jurisdiction from such activity in an action~~
25 ~~brought by the state.~~

26 ~~2. A person who prevents or interferes with or~~
27 ~~attempts to impede in any way any duly authorized~~
28 ~~representative of the department of inspections and~~
29 ~~appeals in the lawful enforcement of this chapter or~~
30 ~~of the rules adopted pursuant to this chapter is~~
31 ~~guilty of a simple misdemeanor. As used in this~~
32 ~~subsection, lawful enforcement includes but is not~~
33 ~~limited to:~~

34 ~~a. Contacting or interviewing any tenant of an~~
35 ~~assisted living program in private at any reasonable~~
36 ~~hour and without advance notice.~~

37 ~~b. Examining any relevant records of an assisted~~
38 ~~living program.~~

39 ~~c. Preserving evidence of any violation of this~~
40 ~~chapter or of the rules adopted pursuant to this~~
41 ~~chapter.~~

42 Sec. __. **NEW SECTION. 231C.16A MEDICATION SETUP**
43 **- ADMINISTRATION AND STORAGE OF MEDICATIONS.**

44 1. An assisted living program may provide for
45 medication setup if requested by a tenant or the
46 tenant's legal representative. If medication setup is
47 provided following such request, the program shall be
48 responsible for the specific task requested and the
49 tenant shall retain responsibility for those tasks not
50 requested to be provided.

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- 1 2. If medications are administered or stored by an
2 assisted living program, or if the assisted living
3 program provides for medication setup, all of the
4 following shall apply:
- 5 a. If administration of medications is delegated
6 to the program by the tenant or tenant's legal
7 representative, the medications shall be administered
8 by a registered nurse, licensed practical nurse, or
9 advanced registered nurse practitioner licensed or
10 registered in Iowa or by the individual to whom such
11 licensed or registered individuals may properly
12 delegate administration of medications.
- 13 b. Medications, other than those self-administered
14 by the tenant or provided through medication setup,
15 shall be stored in locked storage that is not
16 accessible to persons other than employees responsible
17 for administration or storage of medications.
- 18 c. Medications shall be labeled and maintained in
19 compliance with label instructions and state and
20 federal law.
- 21 d. A person other than a dispensing pharmacist
22 shall not alter the prescription.
- 23 e. Medications shall be stored in their originally
24 received containers.
- 25 f. If medication setup is provided by the program
26 at the request of the tenant or tenant's legal
27 representative, or if medication administration is
28 delegated to the program by the tenant or tenant's
29 legal representative, appropriate staff of the program
30 may transfer the medications in the tenant's presence
31 from the original prescription container to medication
32 dispensing containers, reminder containers, or
33 medication cups.
- 34 g. Program assistance with medication
35 administration as specified in the occupancy agreement
36 shall not require the program to provide assistance
37 with the storage of medications.
- 38 Sec. ____ Section 231C.17, subsections 1 and 3,
39 Code 2005, are amended to read as follows:
- 40 1. A hospital licensed pursuant to chapter 135B,
41 or a health care facility licensed pursuant to chapter
42 135C, or an adult day services program certified
43 pursuant to chapter 231D may operate an assisted
44 living program, ~~located in a distinct part of or~~
45 ~~separate structure under the control of the hospital~~
46 ~~or health care facility, if the assisted living~~
47 program is certified pursuant to this chapter.
- 48 3. A certified assisted living program that
49 complies with the requirements of this chapter shall
50 not be required to be licensed or certified as a

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1 health care different type of facility pursuant to
 2 ~~chapter 135C~~, unless the facility is represented to
 3 the public as a ~~licensed health care~~ another type of
 4 facility."

5 6. Title page, line 1, by striking the words
 6 "programs and" and inserting the following:
 7 "programs,".

8 7. Title page, line 2, by inserting after the
 9 word "fee" the following: ", and providing
 10 penalties".

11 8. By renumbering, relettering, or redesignating
 12 and correcting internal references as necessary.

Ford of Polk offered the following amendment H-1135, to amendment H-1130, filed by him from the floor and moved its adoption:

H- 1135

1 Amend the amendment, H-1130, to House File 585, as
 2 follows:

3 1. Page 1, line 22, by striking the word "ten"
 4 and inserting the following: "~~ten~~ five".

Amendment H-1135 was adopted.

On motion by Upmeyer of Hancock, amendment H-1130, as amended, was adopted.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1068 filed by her on March 15, 2005.

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?" (H.F. 585)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Ford
Freeman	Frevort	Gipp	Granzow

Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Carroll	Foege	Gaskill
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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.

House File 587, a bill for an act relating to adult day services regulation and providing penalties, was taken up for consideration.

Upmeyer of Hancock offered amendment H-1128 filed by her and Jacoby of Johnson as follows:

H-1128

- 1 Amend House File 587 as follows:
- 2 1. Page 1, by inserting after line 32, the
- 3 following:
- 4 " "Medication setup" means assistance with
- 5 various steps of medication administration to support
- 6 a participant's autonomy, which may include but is not
- 7 limited to routine prompting, cueing and reminding,
- 8 opening containers or packaging at the direction of
- 9 the participant, reading instructions or other label
- 10 information, or transferring medications from the
- 11 original container into suitable medication dispensing
- 12 containers, reminder containers, or medication cups."
- 13 2. Page 5, by inserting after line 33, the

14 following:

15 "h. In the case of any officer, member of the
 16 board of directors, trustee, or designated manager of
 17 the program or any stockholder, partner, or individual
 18 who has greater than a ten percent equity interest in
 19 the program, who has or has had an ownership interest
 20 in an adult day services program, assisted living
 21 program, elder group home, home health agency,
 22 residential care facility, or licensed nursing
 23 facility in any state which has been closed due to
 24 removal of program, agency, or facility licensure or
 25 certification or involuntary termination from
 26 participation in either the medical assistance or
 27 Medicare programs, or who has been found to have
 28 failed to provide adequate protection or services for
 29 participants to prevent abuse or neglect,

30 i. In the case of a certificate applicant or an
 31 existing certified owner or operator who is an entity
 32 other than an individual, the person is in a position
 33 of control or is an officer of the entity and engages
 34 in any act or omission proscribed by this chapter."

35 3. Page 5, line 34, by striking the word "h," and
 36 inserting the following: "i."

37 4. Page 7, line 15, by inserting after the word
 38 "chapter," the following: "including the conclusion
 39 of all administrative appeals processes,".

40 5. Page 7, by striking lines 28 through 33, and
 41 inserting the following:

42 "Sec. __. Section 231D.11, Code 2005, is amended
 43 to read as follows:

44 231D.11 PENALTIES.

45 1. A person establishing, conducting, managing, or
 46 operating an adult day services program without a
 47 certificate is guilty of a serious misdemeanor. Each
 48 day of continuing violation after conviction or notice
 49 from the department of inspections and appeals by
 50 certified mail of a violation shall be considered a

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1 separate offense or chargeable offense. A person
 2 establishing, conducting, managing, or operating an
 3 adult day services program without a certificate may
 4 be temporarily or permanently restrained by a court of
 5 competent jurisdiction from such activity in an action
 6 brought by the state.

7 ~~2. A person who prevents or interferes with or~~
 8 ~~attempts to impede in any way any duly authorized~~
 9 ~~representative of the department of inspections and~~
 10 ~~appeals in the lawful enforcement of this chapter or~~
 11 ~~of the rules adopted pursuant to this chapter is~~
 12 ~~guilty of a simple misdemeanor. As used in this~~

13 subsection, lawful enforcement includes but is not
14 limited to:

15 ~~a. Contacting or interviewing any participant of
16 an adult day services program in private at any
17 reasonable hour and without advance notice.~~

18 ~~b. Examining any relevant records of an adult day
19 services program.~~

20 ~~c. Preserving evidence of any violation of this
21 chapter or of the rules adopted pursuant to this
22 chapter.~~

23 ~~3- 2. A civil penalty, as established by rule,
24 may apply in any of the following situations:~~

25 ~~a. Program noncompliance with one or more
26 regulatory requirements has caused or is likely to
27 cause harm, serious injury, threat, or death to a
28 recipient of program services participant.~~

29 ~~b. Program failure or refusal to comply with
30 regulatory requirements within prescribed time frames.~~

31 ~~c. Preventing or interfering with or attempting to
32 impede in any way any duly authorized representative
33 of the department of inspections and appeals in the
34 lawful enforcement of this chapter or of the rules
35 adopted pursuant to this chapter. As used in this
36 paragraph, "lawful enforcement" includes but is not
37 limited to:~~

38 ~~(1) Contacting or interviewing any participant in
39 an adult day services program in private at any
40 reasonable hour and without advance notice.~~

41 ~~(2) Examining any relevant records of an adult day
42 services program.~~

43 ~~(3) Preserving evidence of any violation of this
44 chapter or of the rules adopted pursuant to this
45 chapter."~~

46 6. Page 8, by inserting after line 24, the
47 following:

48 "Sec. ____ **NEW SECTION. 231D.13A MEDICATION**
49 **SETUP -- ADMINISTRATION AND STORAGE OF MEDICATIONS.**

50 1. An adult day services program may provide for

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1 medication setup if requested by a participant or the
2 participant's legal representative. If medication
3 setup is provided following such request, the program
4 shall be responsible for the specific task requested
5 and the participant shall retain responsibility for
6 those tasks not requested to be provided.

7 2. If medications are administered or stored by an
8 adult day services program, or if the adult day
9 services program provides for medication setup, all of
10 the following shall apply:

11 a. If administration of medications is delegated

12 to the program by the participant or the participant's
 13 legal representative, the medications shall be
 14 administered by a registered nurse, licensed practical
 15 nurse, or advanced registered nurse practitioner
 16 licensed or registered in Iowa or by the individual to
 17 whom such licensed or registered individuals may
 18 properly delegate administration of medications.

19 b. Medications, other than those self-administered
 20 by the participant or provided through medication
 21 setup, shall be stored in locked storage that is not
 22 accessible to persons other than employees responsible
 23 for administration or storage of medications.

24 c. Medications shall be labeled and maintained in
 25 compliance with label instructions and state and
 26 federal law.

27 d. A person other than a dispensing pharmacist
 28 shall not alter the prescription.

29 e. Medications shall be stored in their originally
 30 received containers.

31 f. If medication setup is provided by the program
 32 at the request of the participant or the participant's
 33 legal representative, or if medication administration
 34 is delegated to the program by the participant or the
 35 participant's legal representative, appropriate staff
 36 of the program may transfer the medications in the
 37 participant's presence from the original prescription
 38 container to medication dispensing containers,
 39 reminder containers, or medication cups.

40 g. Program assistance with medication
 41 administration as specified in the contractual
 42 agreement shall not require the program to provide
 43 assistance with the storage of medications."

44 7. Page 8, line 31, by inserting before the word
 45 "Adult" the following: "1".

46 8. Page 8, by inserting after line 34, the
 47 following:

48 "2. A hospital licensed pursuant to chapter 135B,
 49 a health care facility licensed pursuant to chapter
 50 135C, or an assisted living program certified pursuant

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1 to chapter 231C may operate an adult day services
 2 program if the adult day services program is certified
 3 pursuant to this chapter.

4 3. A certified adult day services program that
 5 complies with the requirements of this chapter shall
 6 not be required to be licensed or certified as another
 7 type of facility, unless the facility is represented
 8 to the public as another type of facility."

9 9. By renumbering, redesignating, and correcting
 10 internal references as necessary.

Ford of Polk offered the following amendment H-1136, to amendment H-1128, filed by him from the floor and moved its adoption:

H-1136

- 1 Amend the amendment, H-1128, to House File 587 as
- 2 follows:
- 3 1. Page 1, line 18, by striking the word "ten"
- 4 and inserting the following: "five".

Amendment H-1136 was adopted.

On motion by Upmeyer of Hancock amendment H-1128, as amended, was adopted.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1069 filed by her on March 15, 2005.

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?" (H.F. 587)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 710, a bill for an act relating to the regulation of elder group homes and providing penalties, was taken up for consideration.

Upmeyer of Hancock offered amendment H-1129 filed by her and Jacoby of Johnson as follows:

H-1129

- 1 Amend House File 710 as follows:
- 2 1. Page 1, by inserting after line 23, the
- 3 following:
- 4 "___ "Medication setup" means assistance with
- 5 various steps of medication administration to support
- 6 a tenant's autonomy, which may include but is not
- 7 limited to routine prompting, cueing and reminding,
- 8 opening containers or packaging at the direction of
- 9 the tenant, reading instructions or other label
- 10 information, or transferring medications from the
- 11 original container into suitable medication dispensing
- 12 containers, reminder containers, or medication cups."
- 13 2. Page 9, line 26, by inserting after the word
- 14 "all" the following: "administrative".
- 15 3. Page 13, by inserting after line 10, the
- 16 following:
- 17 "3. Preventing or interfering with or attempting
- 18 to impede in any way any duly authorized
- 19 representative of the department of inspections and
- 20 appeals in the lawful enforcement of this chapter or
- 21 of the rules adopted pursuant to this chapter. As
- 22 used in this subsection, "lawful enforcement" includes
- 23 but is not limited to:
- 24 a. Contacting or interviewing any tenant of an
- 25 elder group home in private at any reasonable hour and

26 without advance notice.

27 b. Examining any relevant records of an elder
28 group home.

29 c. Preserving evidence of any violation of this
30 chapter or of the rules adopted pursuant to this
31 chapter."

32 4. Page 14, by inserting after line 34, the
33 following:

34 "Sec. . NEW SECTION. 231B.21 MEDICATION SETUP
35 - ADMINISTRATION AND STORAGE OF MEDICATIONS.

36 1. An elder group home may provide for medication
37 setup if requested by a tenant or the tenant's legal
38 representative. If medication setup is provided
39 following such request, the elder group home shall be
40 responsible for the specific task requested and the
41 tenant shall retain responsibility for those tasks not
42 requested to be provided.

43 2. If medications are administered or stored by an
44 elder group home, or if the elder group home provides
45 for medication setup, all of the following shall
46 apply:

47 a. If administration of medications is delegated
48 to the elder group home by the tenant or tenant's
49 legal representative, the medications shall be
50 administered by a registered nurse, licensed practical

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1 nurse, or advanced registered nurse practitioner
2 licensed or registered in Iowa or by the individual to
3 whom such licensed or registered individuals may
4 properly delegate administration of medications.

5 b. Medications, other than those self-administered
6 by the tenant or provided through medication setup,
7 shall be stored in locked storage that is not
8 accessible to persons other than employees responsible
9 for administration or storage of medications.

10 c. Medications shall be labeled and maintained in
11 compliance with label instructions and state and
12 federal law.

13 d. A person other than a dispensing pharmacist
14 shall not alter the prescription.

15 e. Medications shall be stored in their originally
16 received containers.

17 f. If medication setup is provided by the elder
18 group home at the request of the tenant or tenant's
19 legal representative, or if medication administration
20 is delegated to the elder group home by the tenant or
21 tenant's legal representative, appropriate staff of
22 the elder group home may transfer the medications in
23 the tenant's presence from the original prescription
24 container to medication dispensing containers,

- 25 reminder containers, or medication cups.
 26 g. Elder group home assistance with medication
 27 administration as specified in the occupancy agreement
 28 shall not require the elder group home to provide
 29 assistance with the storage of medications."
 30 5. By renumbering as necessary.

Ford of Polk offered the following amendment H-1137, to amendment H-1129, filed by him from the floor and moved its adoption:

H-1137

- 1 Amend the amendment, H-1129, to House File 710 as
 2 follows:
 3 1. Page 1, by inserting after line 14 the
 4 following:
 5 "___ Page 10, line 32, by striking the word
 6 "ten" and inserting the following: "five"."
 7 2. By renumbering as necessary.

Amendment H-1137 was adopted.

On motion by Upmeyer of Hancock, amendment H-1129, as amended, 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?" (H.F. 710)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Oldson	Olson, D.

Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, none.

Absent or not voting, 4:

Foege	Gaskill	Murphy	Smith
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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 MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 585, 587 and 710.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 206, a bill for an act relating to deer population management and providing penalties and appropriations.

Also: That the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 365, a bill for an act relating to the application deadline for certification of enterprise zones.

Also: That the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 375, a bill for an act creating the uniform environmental covenants Act.

MICHAEL E. MARSHALL, Secretary

On motion by Jacobs of Polk, the House was recessed at 11:40 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 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-eight members present, twenty-two absent.

Speaker Rants in the chair at 1:19 p.m.

INTRODUCTION OF BILLS

House File 817, by T. Taylor, a bill for an act relating to the issuance of a restraining order on behalf of a person who is the victim of harassment or stalking and providing a penalty.

Read first time and referred to committee on **public safety**.

House File 818, by T. Taylor, a bill for an act relating to eligibility requirements for qualification for unemployment compensation benefits.

Read first time and referred to committee on **commerce, regulation and labor**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 339, a bill for an act relating to regional transit districts.

Also: That the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 369, a bill for an act relating to the civil commitment of a sexually violent predator.

Also: That the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 379, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Regular Calendar

House File 722, a bill for an act providing for the creation of an electronic drug database, establishing fees, providing penalties, and providing an effective date, was taken up for consideration.

Smith of Marshall offered the following amendment H-1121 filed by him and moved its adoption:

H-1121

- 1 Amend House File 722 as follows:
- 2 1. Page 9, by inserting after line 27 the
- 3 following:
- 4 "6. This section shall not preclude a pharmacist
- 5 or prescriber who requests and receives information
- 6 from the database consistent with the requirements of
- 7 this chapter from otherwise lawfully providing that
- 8 information to any other person for medical or
- 9 pharmaceutical care purposes."

Amendment H-1121 was adopted.

Smith of Marshall 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. 722)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 265 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House File 265 from further consideration by the House.

House File 726, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing, was taken up for consideration.

Eichhorn of Hamilton 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. 726)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 739, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse, 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. 739)

The ayes were, 53:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	Olson, S.	Paulsen	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Mr. Speaker			
Rants			

The nays were, 45:

Bell	Berry	Bukta	Cohoon
Dandekar	Fallon	Ford	Frevert
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, 2:

Foege	Gaskill
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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 MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 722, 726 and 739.**

HOUSE FILE 409 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 409 from further consideration by the House.

Roberts of Carroll in the chair at 1:47 p.m.

House File 742, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date, was taken up for consideration.

Tymeson of Madison offered the following amendment H-1085 filed by her and moved its adoption:

H-1085

- 1 Amend House File 742 as follows:
- 2 1. Page 1, by striking lines 13 through 15, and
- 3 inserting the following: "include district-by-
- 4 district information showing the allocation received
- 5 for early intervention block grant program purposes,
- 6 the total number of students enrolled in grade four in
- 7 each district, and the number of students in each
- 8 district who are not proficient in reading in grade
- 9 four for the most recent reporting period, as well as
- 10 for each reporting period starting with the school
- 11 year beginning July 1, 1999."

Amendment H-1085 was adopted.

Tymeson of Madison 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. 742)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Gipp	Granzow

Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 1:

Frevert

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 740, a bill for an act relating to the duties and responsibilities of school districts, area education agencies, and the department of education by expanding school district audit requirements, requiring the department to submit an achievement gap report, changing deadlines and adding reporting requirements related to dropout and dropout prevention programs, changing testing requirements for the issuance of high school equivalency diplomas, eliminating certain requirements for school district payments and settlements, authorizing school site sale revenues to be used for physical plant and equipment levy fund expenditures, allowing school districts to establish nonprofit entities or organizations, eliminating Code provisions related to extended school programs and evening and part-time schools, providing for changes to open enrollment requirements, deadlines, and authorizations, repealing a school district lawful fence requirement, providing for the

confidentiality of records regarding a child receiving competent private instruction, eliminating a requirement that school bus drivers submit a certificate of physical fitness annually, expanding the penalties for school bus drivers in violation of Code requirements, revising requirements for prior authorization and a certificate of need for local option and services tax for school infrastructure fund use, and reinstating open enrollment eligibility under a certain circumstance related to desegregation plans, was taken up for consideration.

RULE 31.8 SUSPENDED

Kaufmann of Cedar asked and received unanimous consent to suspend Rule 31.8, related to the timely filing of amendments, for the immediate consideration of amendment H-1133.

Kaufmann of Cedar offered amendment H-1133 filed by him from the floor as follows:

H-1133

1 Amend House File 740 as follows:

2 1 Page 5, line 34, by inserting after the figure
3 "22" the following: ", except that the entity or
4 organization shall provide for the anonymity of a
5 donor at the written request of the donor".

6 2. Page 6, line 24, by striking the word "April"
7 and inserting the following: "March".

8 3. Page 7, line 23, by striking the word "April"
9 and inserting the following: "March".

10 4. Page 7, line 28, by striking the word "April"
11 and inserting the following: "March".

12 5. Page 7, line 32, by striking the word "April"
13 and inserting the following: "March".

14 6. Page 8, line 32, by striking the word "April"
15 and inserting the following: "March".

16 7. Page 9, line 16, by striking the word "April"
17 and inserting the following: "March".

18 8. Page 12, by striking lines 10 through 22.

19 9. Page 12, by inserting after line 25 the
20 following:

21 "Sec. ____ RETROACTIVE APPLICABILITY FOR NONPROFIT
22 SCHOOL ORGANIZATIONS. The provisions of section
23 279.60, as enacted by this Act, authorizing the board
24 of directors of a school district to establish and
25 authorize expenditures for the operational support of
26 an entity or organization for the sole benefit of the

- 27 school district and its students, apply to entities or
 28 organizations established by the board of directors of
 29 a school district before, on, or after July 1, 2005."
 30 10. Title page 1, line 21, by inserting before
 31 the word "revising" the following: "and".
 32 11. Title page 2, by striking lines 1 through 3
 33 and inserting the following: "for school
 34 infrastructure fund use, and including a retroactive
 35 applicability provision."
 36 12. By renumbering as necessary.

Raecker of Polk offered the following amendment H-1147, to amendment H-1133, filed by him from the floor and moved its adoption:

H-1147

- 1 Amend the amendment, H-1133, to House File 740 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "___ Page 5, line 30, by inserting after the
 6 word "Code." the following: "The entity or
 7 organization shall reimburse the school district for
 8 expenditures made by the school district on behalf of
 9 the entity or organization."
 10 2. By renumbering as necessary.

Amendment H-1147 was adopted.

On motion by Kaufmann of Cedar, amendment H-1133, as amended, was adopted.

Kaufmann 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. 740)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens

Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdryke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Foegen Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILLS

House File 819, by committee on appropriations, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Read first time and placed on the **appropriations calendar**.

House File 820, by committee on appropriations, a bill for an act concerning state liquor activities, including liquor prices set by the alcoholic beverages division, moneys appropriated from liquor sale revenues for substance abuse treatment, and state liquor warehouse and trucking operations and providing an effective date.

Read first time and placed on the **appropriations calendar**.

House File 821, by committee on appropriations, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 206, by committee on natural resources and environment, a bill for an act relating to deer population management and providing penalties and appropriations.

Read first time and referred to committee on **natural resources**.

Senate File 339, by committee on transportation, a bill for an act relating to regional transit districts.

Read first time and referred to committee on **transportation**.

Senate File 365, by committee on economic growth, a bill for an act relating to the application deadline for certification of enterprise zones.

Read first time and referred to committee on **economic growth**.

Senate File 369, by committee on judiciary, a bill for an act relating to the civil commitment of a sexually violent predator.

Read first time and referred to committee on **public safety**.

Senate File 375, by committee on natural resources and environment, a bill for an act creating the uniform environmental covenants Act.

Read first time and referred to committee on **environmental protection**.

Senate File 379, by committee on judiciary, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

Read first time and **passed on file**.

House File 745, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, was taken up for consideration.

J.R. 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?" (H.F. 745)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts, Presiding		

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 754, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1099 filed by him and moved its adoption:

H-1099

- 1 Amend House File 754 as follows:
- 2 1. Page 1, line 21, by striking the words "real
- 3 estate" and inserting the following: "a written
- 4 contract".

Amendment H-1099 was adopted.

Eichhorn of Hamilton 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. 754)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead

Wilderdyke Winckler Wise Zirkelbach
 Roberts,
 Presiding

The nays were, none.

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 757, a bill for an act relating to the disposition of abandoned vehicles, was taken up for consideration.

Jones of Mills 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. 757)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker

Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts,		
Presiding			

The nays were, none.

Absent or not voting, 2:

Foege	Gaskill
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 255 WITHDRAWN

Jones of Mills asked and received unanimous consent to withdraw House File 255 from further consideration by the House.

House File 758, a bill for an act providing for the regulation of commercial canine operations, was taken up for consideration.

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?" (H.F. 758)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller

Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdike	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 1:

Shomshor

Absent or not voting, 2:

Foege Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 435 WITHDRAWN

S. Olson of Clinton asked and received unanimous consent to withdraw House File 435 from further consideration by the House.

House File 764, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties, was taken up for consideration.

Quirk of Chickasaw moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 764)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones

Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

Foege	Gaskill	Rants, Spkr.	Struyk
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 768, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water, was taken up for consideration.

Greiner of Washington offered the following amendment H-1076 filed by her and moved its adoption:

H-1076

- 1 Amend House File 768 as follows:
- 2 1. Page 1, line 3, by striking the word "permit"
- 3 and inserting the following: "new permit or
- 4 modification of a permit".
- 5 2. Page 1, line 4, by inserting after the word
- 6 "section" the following: "to a community public water
- 7 supply".
- 8 3. Page 1, line 6, by striking the word "copy"
- 9 and inserting the following: "brief summary".

Amendment H-1076 was adopted.

Greiner of Washington 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. 768)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Roberts,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Gaskill

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 489 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 489 from further consideration by the House.

IMMEDIATE MESSAGES

S. Olson of Clinton asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 740, 742, 745, 754, 757, 758, 764 and 768.**

House File 674, a bill for an act relating to distribution of secondary and farm-to-market road funds, was taken up for consideration.

Rayhons 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?" (H.F. 674)

The ayes were, 90:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Olson, D.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wessel-Kroeschell
Whitaker	Wilderdyke	Winckler	Wise
Zirkelbach	Roberts,		
	Presiding		

The nays were, 9:

Bell	Oldson	Olson, R.	Petersen
Rants, Spkr.	Schickel	Tymeson	Wendt
Whitead			

Absent or not voting, 1:

Gaskill

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 674** be immediately messaged to the Senate.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 21, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 141, an Act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

House File 281, an Act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision.

Senate File 139, an Act relating to negotiable instruments, by providing for liabilities among certain parties, and providing a statute of limitations.

Senate File 141, an Act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

Also: the Governor announced that on March 22, 2005 he approved and transmitted to the Secretary of State the following bill:

Senate File 169, an Act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

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

- | | |
|----------|---|
| 2005\850 | Natalie Bohling, Greenfield – For being listed in the Nestle Very Best In Youth 2005 publication and for being a finalist in its award program. |
| 2005\851 | Harold and Sis Adamson, Greenfield – For celebrating their 72 nd wedding anniversary. |
| 2005\852 | Robert and Evelyn Asberry, Exira – For celebrating their 50 th wedding anniversary. |
| 2005\853 | Charles and Roxie Haden, Panora – For celebrating their 50 th wedding anniversary. |
| 2005\854 | Bob and Ilah Rumpel, Casey – For celebrating their 50 th wedding anniversary. |
| 2005\855 | Ivel and ZonaBelle Carroll, Panora – For celebrating their 66 th wedding anniversary. |
| 2005\856 | Wylma Layland, Audubon – For celebrating her 80 th birthday. |
| 2005\857 | Wayne Mass, Audubon – For celebrating his 80 th birthday. |
| 2005\858 | Nyal Pierce, Guthrie Center – For celebrating his 85 th birthday. |
| 2005\859 | Leota Cox, Bagley – For celebrating her 90 th birthday. |
| 2005\860 | Midred Jeske, Eldora – For celebrating her 90 th birthday. |
| 2005\861 | Ruth Calkins, Iowa Falls – For celebrating her 85 th birthday. |
| 2005\862 | Eleanor Glaza, Iowa Falls – For celebrating her 95 th birthday. |
| 2005\863 | Earl Roy Klein, Ackley – For celebrating his 80 th birthday. |
| 2005\864 | Ruth Oelmann, Ackley – For celebrating her 80 th birthday. |
| 2005\865 | Marvin and Marge Nolte, Ackley – For celebrating their 50 th wedding anniversary. |
| 2005\866 | Bernie and Phyllis Schnoes, Paullina – For celebrating their 50 th wedding anniversary. |

- 2005\867 Vernon and Vivian Steinke, Sibley – For celebrating their 65th wedding anniversary.
- 2005\868 Marie C. Hatting, Ashton – For celebrating her 90th birthday.
- 2005\869 Gene and Jean Wiese, Manning – For being named Iowa Master Farmers.
- 2005\870 Eileen Weidemann, Hawkeye – For celebrating her 85th birthday.
- 2005\871 Dorothy Hoffman, Oelwein – For celebrating her 98th birthday.
- 2005\872 LaVonna Bolte, Tripoli – For celebrating her 85th birthday.
- 2005\873 Hulda Oltrogge, Maynard – For celebrating her 85th birthday.
- 2005\874 Valesca H. Donaldson, Denver – For celebrating her 95th birthday.
- 2005\875 Dan Taylor, Sumner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\876 Haley Miller, Keokuk – For being named to the 2005 Class 3A All-Tournament Team.
- 2005\877 Courtney Boyd, Keokuk – For being named to the 2005 Class 3A All-Tournament Team.
- 2005\878 Dr. Philip Caropreso, Keokuk – For being elected president of the Iowa Chapter of the American College of Surgeons.
- 2005\879 Mahlon “Bud” Olsen, Rowley – For celebrating his 80th birthdays.
- 2005\880 Lowell and Ruth Manross, Independence – For celebrating their 60th wedding anniversary.
- 2005\881 Benita Sankey, Independence – For celebrating her 94th birthday.
- 2005\882 Gerald and Geraldine Daisy, Arlington – For celebrating their 60th wedding anniversary.
- 2005\883 Robert A. Lamphier, Fayette – For celebrating his 80th birthday.
- 2005\884 Maria Seeland, Elkader – For celebrating her 90th birthday.
- 2005\885 Alfred Streicher, Strawberry Point – For celebrating his 98th birthday.
- 2005\886 Margaret Mueller, Monona – For celebrating her 96th birthday.
- 2005\887 Joe Lahr, Delaware – For celebrating his 89th birthday.

- 2005\888 Doris Burrack, Arlington – For celebrating her 95th birthday.
- 2005\889 Mr. and Mrs. Glenn Sufficool, Esmann Island – For celebrating their 60th wedding anniversary.
- 2005\890 Forrest and Charline Scanlan, Manchester – For celebrating their 60th wedding anniversary.
- 2005\891 Erma Glover, Donahue – For celebrating her 90th birthday.
- 2005\892 Virginette Barnes, DeWitt – For celebrating her 80th birthday.
- 2005\893 Aileen Boyd, Mason City – For celebrating her 107th birthday.
- 2005\894 Floretta Wilson, Mason City – For celebrating her 80th birthday.
- 2005\895 Cody Ryan, Keokuk – For being named to the Southeast Conference all-conference first team in boys basketball.
- 2005\896 Zach Gatton, Keokuk – For being named to the Southeast Conference all-academic team in boys basketball.
- 2005\897 Alex Schulte, Keokuk – For being named to the Southeast Conference all-academic team in boys basketball.
- 2005\898 Brandon Underwood, Keokuk – For being named to the Southeast Conference all-academic team in boys basketball.
- 2005\899 Seth Cooper, Keokuk – For receiving first team all-conference wrestling honors in the Southeast Conference.
- 2005\900 Matt Briggs, Keokuk – For receiving first team all-conference wrestling honors in the Southeast Conference.
- 2005\901 Chad Stark, Keokuk – For receiving second team all-conference wrestling honors in the Southeast Conference.
- 2005\902 Kyle Riddle, Keokuk – For receiving second team all-conference wrestling honors in the Southeast Conference.
- 2005\903 Brett Kelley, Keokuk – For receiving second team all-conference wrestling honors in the Southeast Conference.
- 2005\904 Ryan Helenthal, Keokuk – For receiving second team all-conference wrestling honors in the Southeast Conference.
- 2005\905 Tyler Mueller, Keokuk – For receiving second team all-conference wrestling honors in the Southeast Conference.
- 2005\906 Trisha Phelps, Winfield – For being selected to attend the Iowa American Legion Auxiliary Girls State.

- 2005\907 Dorothy Mulder, Reinbeck – For celebrating her 100th birthday.
- 2005\908 Robert Schrier, Traer – For celebrating his 80th birthday.
- 2005\909 Pearl McKinley, Traer – For celebrating her 80th birthday.
- 2005\910 Marvin Ohrt, Clutier – For celebrating his 80th birthday.
- 2005\911 Bob and Leora McKibben, Liscomb – For celebrating their 55th wedding anniversary.
- 2005\912 Mr. and Mrs. Russell Nelson, Dysart – For celebrating their 65th wedding anniversary.
- 2005\913 Robert and Marcella Caslavka, Cultier – For celebrating their 50th wedding anniversary.
- 2005\914 Mr. and Mrs. Jack Crowley, Tipton – For celebrating their 50th wedding anniversary.
- 2005\915 Clyde Racey, Solon – For celebrating his 95th birthday.
- 2005\916 Jean Crist, Stanwood – For celebrating her 80th birthday.
- 2005\917 Genevieve Rockwell, Oskaloosa – For celebrating her 90th birthday.
- 2005\918 Mildred Van Zee, Oskaloosa – For celebrating her 80th birthday.
- 2005\919 Richard and Joyce Van Weelden, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2005\920 Walter Gravitt, Oskaloosa – For celebrating his 90th birthday.
- 2005\921 Donald and Marjorie Graves, Clinton – For celebrating their 70th wedding anniversary.
- 2005\922 Christopher Douglas Thede, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\923 Nathan Robert Odland, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\924 Daniel Stephen Monroe, Newton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\925 Sarah Jensen, Sioux City – For being named a State of Iowa Scholar.
- 2005\926 Cara Destigter, Sioux City – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENTS

House File 533

Ways and Means: Struyk, Chair; McCarthy and Soderberg.

House File 534

Ways and Means: Lalk, Chair; Eichhorn and Hogg.

House File 640

Ways and Means: Upmeyer, Chair; Davitt and Kurtenbach.

House File 670

Ways and Means: Soderberg, Chair; Tomenga and Winckler.

House File 689

Ways and Means: Kaufmann, Chair; Davitt and Tomenga.

House File 721

Ways and Means: Soderberg, Chair; Paulsen, Reasoner, Schueller and Struyk.

House File 725

Ways and Means: Lalk, Chair; Davitt and Upmeyer.

House File 733

Ways and Means: Struyk, Chair; Schueller and Soderberg.

House File 734

Ways and Means: Paulsen, Chair; Shomshor and J.K. Van Fossen.

House File 750

Ways and Means: Upmeyer, Chair; Reasoner and J.K. Van Fossen.

House File 751

Ways and Means: Drake, Chair; Jochum and Tomenga.

House File 755

Ways and Means: Paulsen, Chair; Davitt and Upmeyer.

House File 756

Ways and Means: Drake, Chair; Frevert and Paulsen.

House File 763

Ways and Means: Tomenga, Chair; Schueller and Struyk.

House File 766

Ways and Means: Drake, Chair; Kurtenbach and Shoultz.

House File 773

Ways and Means: Paulsen, Chair; Jochum and Kaufmann.

House File 783

Ways and Means: Struyk, Chair; Huser and Lalk.

House File 788

Ways and Means: Carroll, Chair; Upmeyer and Winckler.

House File 790

Ways and Means: Tomenga, Chair; Davitt and Upmeyer.

House File 791

Ways and Means: Boal, Chair; Drake and Jochum.

House File 794

Ways and Means: Struyk, Chair; Lalk, McCarthy, Reasoner and Soderberg.

House File 795

Ways and Means: Soderberg, Chair; Lalk and Schueller.

House File 796

Ways and Means: Soderberg, Chair; Schueller and Struyk.

House File 813

Appropriations: Horbach, Chair; Bell and Jacobs.

Senate Joint Resolution 6

Administration and Rules: S. Olson, Chair; Boal, Bukta, Carroll, Dolecheck, Gipp, Heddens, Jacobs, Miller, Murphy, Rants, Reasoner, Roberts and Whitaker.

Senate Joint Resolution 7

Administration and Rules: S. Olson, Chair; Boal, Bukta, Carroll, Dolecheck, Gipp, Heddens, Jacobs, Miller, Murphy, Rants, Reasoner, Roberts and Whitaker.

Senate File 200

Agriculture: Struyk, Chair; Huseman and Mertz.

Senate File 201

Agriculture: Lalk, Chair; Frevert and Kaufmann.

Senate File 321

Public Safety: Sands, Chair; Reasoner and Van Engelenhoven.

Senate File 331

Public Safety: Horbach, Chair; Berry and Eichhorn.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**House Study Bill 285**

Ways and Means: Tomenga, Chair; Lalk and Schueller.

House Study Bill 286

Ways and Means: Soderberg, Chair; Reasoner and Struyk.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**H.S.B. 288 Oversight**

Concerning restrictions on retailer use of monitor vending machines to sell lottery products.

H.S.B. 289 Ways and Means

Relating to property taxation by requiring funding of essential services by cities and counties, modifying property assessment guidelines, creating a property assessment appeal board to hear appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision.

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 File 709), relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2005.

Committee Bill (Formerly House File 731), concerning state liquor activities, including liquor prices set by the alcoholic beverages division, moneys appropriated from liquor sale revenues for substance abuse treatment, and state liquor warehouse operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 2005.

Committee Bill (Formerly House File 736), relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 2005.

RESOLUTION FILED

HR 24, by Jacoby, a resolution to recognize the 50th anniversary of the creation of county conservation boards.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1138	H.F.	811	Jochum of Dubuque Ford of Polk
H—1139	H.F.	810	Hunter of Polk
H—1140	H.F.	810	Hunter of Polk
H—1141	H.F.	810	Hunter of Polk
H—1142	H.F.	703	Struyk of Pottawattamie
H—1143	H.F.	777	Swaim of Davis
H—1144	H.F.	669	Anderson of Page
H—1145	H.F.	583	Anderson of Page
H—1146	H.F.	785	Carroll of Poweshiek
H—1148	H.F.	810	Sands of Louisa
H—1149	H.F.	729	Frevert of Palo Alto
H—1150	H.F.	809	Fallon of Polk
Bell of Jasper			Berry of Black Hawk
Bukta of Clinton			Cohoon of Des Moines
Davitt of Warren			Ford of Polk
Frevert of Palo Alto			Heddens of Story
Hunter of Polk			Huser of Polk
Jacoby of Johnson			Jochum of Dubuque
Kressig of Black Hawk			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
R. Olson of Polk			Petersen of Polk
Pettengill of Benton			Quirk of Chickasaw
Reasoner of Union			Reichert of Muscatine
Schueller of Jackson			Shomshor of Pottawattamie
Shoultz of Black Hawk			Smith of Marshall
Swaim of Davis			D. Taylor of Linn
T. Taylor of Linn			Thomas of Clayton
Wendt of Woodbury			Wessel-Kroeschell of Story
Whitaker of Van Buren			Whitead of Van Buren
Winckler of Scott			Wise of Lee
Zirkelbach of Jones			
H—1151	H.F.	810	Winkler of Scott
H—1152	H.F.	789	Carroll of Poweshiek
H—1153	H.F.	808	Mertz of Kossuth D. Olson of Boone

H—1154	H.F.	589	Kurtenbach of Story
H—1155	H.F.	809	Hogg of Linn
H—1156	H.F.	808	Hogg of Linn
			Shoultz of Black Hawk
H—1157	H.F.	776	Raecker of Polk
			Lensing of Johnson
H—1158	H.F.	809	Ford of Polk
H—1159	H.F.	769	Roberts of Carroll
			Smith of Marshall
H—1160	H.F.	810	Sands of Louisa
H—1161	H.F.	809	Kuhn of Floyd
H—1162	H.F.	809	Murphy of Dubuque

On motion by Jacobs of Polk the House adjourned at 3:29 p.m., until 8:45 a.m., Wednesday, March 23, 2005.

JOURNAL OF THE HOUSE

Seventy-third Calendar Day - Fifty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 23, 2005

The House met pursuant to adjournment at 8:58 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Steve Peters, pastor of Trinity United Methodist Church, Ft. Dodge. He was the guest of Representative Helen Miller from Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 22, 2005 was approved.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 22, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 359, by committee on local government, a bill for an act providing for payroll deduction for county, city, and school district employees for charitable giving.

Read first time and referred to committee on **local government**.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.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 sixty-eight members present, thirty-two absent.

CONSIDERATION OF BILLS Regular Calendar

House File 540, a bill for an act prohibiting consideration of certain traffic accidents occurring in the line of duty during a certified law enforcement officer's employment in establishment of motor vehicle insurance rates, was taken up for consideration.

Tomenga of Polk offered the following amendment H-1117 filed by him and moved its adoption:

H-1117

1 Amend House File 540 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. **NEW SECTION. 80.43 TRAFFIC ACCIDENTS**
5 **INVOLVING CERTIFIED LAW ENFORCEMENT OFFICERS.**

6 1. The commissioner shall adopt rules to define
7 when a traffic accident involving the operation of a
8 motor vehicle by a certified law enforcement officer
9 occurs in the line of duty during the officer's
10 employment as a certified law enforcement officer.

11 2. Any traffic accident involving the operation of
12 a motor vehicle by a certified law enforcement officer
13 shall be reported by the officer's employer to the
14 department of public safety for review pursuant to the
15 rules adopted under subsection 1, and the department
16 shall certify whether or not the accident occurred
17 while in the line of duty during the officer's
18 employment as a certified law enforcement officer. If
19 the department certifies that the accident occurred in
20 the line of duty during the officer's employment as a
21 certified law enforcement officer, the department
22 shall forward the certification to the state
23 department of transportation.

24 3. Upon receiving a certification pursuant to
25 subsection 2, the state department of transportation

26 shall not maintain an accident report of the accident
 27 described in the certification pursuant to section
 28 321.266.

29 4. For the purposes of this section, "certified
 30 law enforcement officer" means a law enforcement
 31 officer who is certified through the Iowa law
 32 enforcement academy as provided in section 80B.13,
 33 subsection 3, or section 80B.17."

34 2. Title page, by striking lines 1 through 4 and
 35 inserting the following: "An Act relating to reports
 36 of traffic accidents involving certified law
 37 enforcement officers."

Amendment H-1117 was adopted.

Tomenga 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. 540)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

House File 810, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date, was taken up for consideration.

Winckler of Scott offered the following amendment H-1151 filed by her and moved its adoption:

H-1151

- 1 Amend House File 810 as follows:
- 2 1. Page 3, by inserting after line 24 the
- 3 following:
- 4 "As a condition of the appropriation in this
- 5 section, for auditing services provided by the
- 6 auditor, the auditor shall establish, by rule, a
- 7 customer council responsible for overseeing the
- 8 auditor's operations with regard to the service
- 9 provided to ensure that the auditor of state meets the
- 10 needs of affected governmental entities and the
- 11 citizens those entities serve. The rules adopted
- 12 shall provide, at a minimum, for the method of
- 13 appointment of members to the council by governmental
- 14 entities required to receive the service from the
- 15 auditor of state and for the powers and duties of the
- 16 council as they relate to the service provided, which
- 17 shall include the authority of approving, on an annual
- 18 basis, the procedure for resolving complaints
- 19 concerning the service provided, and the procedure for
- 20 setting rates for the service. In addition, if the
- 21 service to be provided may also be provided to the
- 22 judicial branch, then the rules shall provide that the
- 23 chief justice of the supreme court may, in the chief
- 24 justice's discretion, appoint a member to the
- 25 applicable customer council."
- 26 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 41.

Amendment H-1151 lost.

Speaker pro tempore Carroll in the chair at 11:56 a.m.

Hunter of Polk asked and received unanimous consent to withdraw amendment H-1139 filed by him on March 22, 2005.

Sands of Louisa asked and received unanimous consent that amendment H-1160 be deferred.

Hunter of Polk asked and received unanimous consent that amendment H-1141 be deferred.

Hunter of Polk offered the following amendment H-1140 filed by him and moved its adoption:

H-1140

- 1 Amend House File 810 as follows:
- 2 1. Page 14, by inserting after line 19 the
- 3 following:
- 4 "4. PERFORMANCE AUDITS
- 5 For conducting performance audits and developing
- 6 performance measures, including salaries, support,
- 7 maintenance, miscellaneous purposes, and for not more
- 8 than the following full-time equivalent positions:
- 9 \$ 430,000
- 10 FTEs 5.00"
- 11 2. By renumbering as necessary.

Amendment H-1140 lost.

Sands of Louisa offered the following amendment H-1148 filed by him and moved its adoption:

H-1148

- 1 Amend House File 810 as follows:
- 2 1. Page 17, by inserting after line 34 the
- 3 following:
- 4 "Sec. __. 2004 Iowa Acts, chapter 1175, section
- 5 1, subsection 3, is amended by adding the following

6 new unnumbered paragraph:
 7 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 8 8.33, moneys appropriated in this subsection that
 9 remain unencumbered or unobligated at the close of the
 10 fiscal year shall not revert but shall remain
 11 available for expenditure until the close of the
 12 succeeding fiscal year."
 13 2. By renumbering as necessary.

Amendment H-1148 was adopted.

Sands of Louisa asked and received unanimous consent to further defer amendment H-1160.

Hunter of Polk offered the following amendment H-1141, previously deferred, filed by him and moved its adoption:

H-1141

1 Amend House File 810 as follows:
 2 1. Page 10, by striking lines 32 and 33 and
 3 inserting the following:
 4 " \$ 2,356,836
 5 FTEs 113.25
 6 Of the funds appropriated in this subsection,
 7 \$8J,000 and 1.00 FTE shall be used for the operation,
 8 expansion, and maintenance of the direct care worker
 9 registry."

Amendment H-1141 lost.

Sands of Louisa offered amendment H-1160, previous deferred, filed by him as follows:

H-1160

1 Amend House File 810 as follows:
 2 1. Page 9, by striking line 18 and inserting the
 3 following:
 4 " \$ 329,530"
 5 2. Page 10, by striking line 14 and inserting the
 6 following:
 7 " \$ 1,644,755"

Ford of Polk offered the following amendment H-1165, to amendment H-1160, filed by him from the floor and moved its adoption:

H-1165

1 Amend the amendment, H-1160, to House File 810 as
2 follows:

3 1. Page 1, line 2, by striking the word and
4 figure "line 18", and inserting the following: "lines
5 18 and 19".

6 2. Page 1, by striking line 4, and inserting the
7 following:

8 "" \$ 542,821
9 FTEs 3.00

10 Of the amounts appropriated in this subsection, the
11 division shall transfer \$83,282 to the Latino affairs
12 division and \$130,009 to the status of African-
13 Americans division for each division for issues
14 concerning Latino and African-American women.""

Amendment H-1165 lost.

On motion by Sands of Louisa, amendment H-1160 was adopted.

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. 810)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll, Presiding	

The nays were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevort	Gaskill	Heddens

Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lenzing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, none.

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 540 and 810.**

Regular Calendar

House File 741, a bill for an act relating to driver education by a teaching parent, was taken up for consideration.

Paulsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 741)

The ayes were, 56:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Dandekar	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gipp	Granzow	Greiner
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
May	McCarthy	Mertz	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Carroll, Presiding

The nays were, 44:

Bell	Berry	Bukta	Cphoon
Davitt	Ford	Gaskill	Heaton
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Maddox	Mascher	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, none.

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 741** be immediately messaged to the Senate.

House File 769, a bill for an act requiring the department of human services to propose options for expediting the department's response to requests for correction of child abuse data or findings and providing an effective date, was taken up for consideration.

Roberts of Carroll offered the following amendment H-1159 filed by him and Smith of Marshall and moved its adoption:

H-1159

1 Amend House File 769 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 232.69, subsection 1,
5 paragraph b, Code 2005, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (13) An employee or operator of
8 a provider of services to children funded under a
9 federally approved medical assistance home and
10 community-based services waiver.

11 Sec. 2. Section 232.71D, subsection 3, paragraph
12 i, Code 2005, is amended by striking the paragraph.

13 Sec. 3. Section 235A.15, subsection 2, paragraph
14 b, subparagraph (9), Code 2005, is amended by striking
15 the subparagraph.

16 Sec. 4. Section 235A.15, subsection 2, paragraph
17 c, Code 2005, is amended by adding the following new
18 subparagraphs:

19 NEW SUBPARAGRAPH. (12) To an area education
20 agency or other person responsible for providing early
21 intervention services to children that is funded under
22 part C of the federal Individuals with Disabilities
23 Education Act.

24 NEW SUBPARAGRAPH. (13) To a federal, state, or
25 local governmental unit, or agent of the unit, that
26 has a need for the information in order to carry out
27 its responsibilities under law to protect children
28 from abuse and neglect.

29 Sec. 5. Section 235A.15, subsection 2, paragraph
30 e, Code 2005, is amended by adding the following new
31 subparagraph:

32 NEW SUBPARAGRAPH. (18) To a person or agency
33 responsible for the care or supervision of a child
34 named in a report as an alleged victim of abuse or a
35 person named in a report as having allegedly abused a
36 child, if the juvenile court or department deems
37 access to report data and disposition data by the
38 person or agency to be necessary.

39 Sec. 6. Section 235A.15, subsection 3, paragraphs
40 b and c, Code 2005, are amended to read as follows:

41 b. Persons involved in an assessment of child
42 abuse identified in subsection 2, paragraph "b",
43 subparagraphs (2), (3), (4), (6), and (7), and (9).

44 c. Others identified in subsection 2, paragraph
45 "e", subparagraphs (2), (3), and (6), and (18).

46 Sec. 7. Section 235A.15, subsection 4, paragraph
47 c, Code 2005, is amended to read as follows:

48 c. Others identified in subsection 2, paragraph
49 "e", ~~subparagraph~~ subparagraphs (2) and (18).

50 Sec. 8. Section 235A.19, subsection 2, paragraph

Page 2

1 b, Code 2005, is amended by adding the following new
2 subparagraph:

3 NEW SUBPARAGRAPH. (9) For others identified in
4 section 235A.15, subsection 2, paragraph "d",
5 subparagraph (7), and paragraph "e", subparagraphs (9)
6 and (16)."

7 2. Title page, by striking lines 1 through 4 and
8 inserting the following: "An Act relating to child
9 abuse reporting and registry requirements."

Amendment H-1159 was adopted.

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?" (H.F. 769)

The ayes were, 98:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Anderson Gipp

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 769** be immediately messaged to the Senate.

House File 770, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals, was taken up for consideration.

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?" (H.F. 770)

The ayes were, 92:

Alons	Arnold	Baudler	Bell
Berry	Boal	Bukta	Chambers
Cohon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
Mertz	Miller	Murphy	Olson, D.
Olson, S.	Paulsen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 6:

Hunter	Huser	McCarthy	Oldson
Olson, R.	Petersen		

Absent or not voting, 2:

Anderson

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 777, a bill for an act relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids, was taken up for consideration.

Swaim of Davis offered the following amendment H-1143 filed by him and moved its adoption:

H-1143

- 1 Amend House File 777 as follows:
- 2 1. Page 1, line 12, by striking the word "that"
- 3 and inserting the following: "~~that~~ the".
- 4 2. Page 1, line 19, by striking the words "peace
- 5 officer" and inserting the following: "person".
- 6 3. Page 1, line 20, by inserting after the word
- 7 "person" the following: "that may have caused an
- 8 infection".
- 9 4. Page 1, lines 25 and 26, by striking the words
- 10 "potentially infected peace officer" and inserting the
- 11 following: "any other potentially infected person".
- 12 5. Page 1, lines 31 and 32, by striking the words
- 13 "peace officer" and inserting the following: "any
- 14 other potentially infected person".
- 15 6. Page 1, line 34, by striking the words
- 16 "persons, including the segregation of" and inserting
- 17 the following: "persons, including the segregation
- 18 of. The sheriff or person in charge of the jail shall
- 19 also segregate".
- 20 7. Title page, line 1, by striking the words "a
- 21 person who assaults a peace officer" and inserting the
- 22 following: "testing a person for contagious or
- 23 infectious disease if the person assaults a person".
- 24 8. Title page, line 2, by inserting after the
- 25 word "fluids" the following: ", and providing a
- 26 penalty".

Amendment H-1143 was adopted.

Swaim of Davis 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. 777)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdryke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 781, a bill for an act relating to the establishment of a direct care worker task force, was taken up for consideration.

Boal of Polk in the chair at 1:25 p.m.

Freeman of Buena Vista moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 781)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Boal,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Fallon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 784, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal, was taken up for consideration.

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?" (H.F. 784)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swain	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Boal,	
		Presiding	

The nays were, none.

Absent or not voting and 1:

Fallon

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 625 WITHDRAWN

Swain of Davis asked and received unanimous consent to withdraw House File 625 from further consideration by the House.

House File 789, a bill for an act relating to programs and functions under the purview of the Iowa department of public health, was taken up for consideration.

Roberts of Carroll offered the following amendment H-1101 filed by him and moved its adoption:

H-1101

- 1 Amend House File 789 as follows:
- 2 1. Page 1, by inserting after line 35 the
- 3 following:
- 4 "Sec. ____ Section 135.107, subsection 1, Code
- 5 2005, Is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. A simple majority of the
- 8 membership of the advisory committee shall constitute
- 9 a quorum. Action may be taken by the affirmative vote
- 10 of a majority of the advisory committee membership."
- 11 2. By renumbering as necessary.

Amendment H-1101 was adopted.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-1152 filed by him on March 22, 2005.

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?" (H.F. 789)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor

Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Zirkelbach
Boal, Presiding			

The nays were, none.

Absent or not voting, 3:

Jochum	Kurtenbach	May
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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 MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 770, 777, 781, 784 and 789.**

SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House members of the Sherrill Fire and Rescue as follows: Bob Sporre, Dave Berringer, Gary Hefel, Alvin Nemnoes and Dale Puls.

The House rose and expressed its welcome.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 343, a bill for an act relating to governmental services involving audit reports and the family investment program.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 352, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

MICHAEL E. MARSHALL, Secretary

The House stood at ease at 1:54 p.m., until the fall of the gavel.

The House resumed session at 2:23 p.m., Speaker Rants in the chair.

House File 809, a bill for an act relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters, was taken up for consideration.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment H-1161 filed by him on March 22, 2005.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1158 placing out of order amendment H-1163 filed by Ford of Polk from the floor.

Reasoner of Union asked and received unanimous consent that amendment H-1162 be deferred.

Fallon of Polk offered the following amendment H-1150 filed by Fallon, et al., and moved its adoption:

H-1150

- 1 Amend House File 809 as follows:
- 2 1. Page 3, line 13, by striking the figure
- 3 "5,533,511" and inserting the following: "5,718,511".
- 4 2. Page 3, by inserting after line 26 the
- 5 following:
- 6 "___ Of the moneys appropriated in this
- 7 subsection, the department shall allocate \$185,000 to
- 8 the main street program for purposes of providing
- 9 grants to communities participating in the main street
- 10 program. A grant shall not exceed \$5,000 and the
- 11 department shall adopt rules for the administration of
- 12 the grants allowed under this lettered paragraph."

Roll call was requested by Fallon of Polk and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment H-1150 be adopted?" (H.F. 809)

The ayes were, 50:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

Absent or not voting, none.

Amendment H-1150 lost.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1155 filed by him on March 22, 2005.

Murphy of Dubuque offered amendment H-1162, previously deferred, filed by him as follows:

H-1162

1 Amend House File 809 as follows:

2 1. Page 2, by inserting after line 18 the
3 following:

4 "bb. In addition to the other requirements for a
5 disbursement of public moneys for grants, loans, tax
6 incentives, or other financial assistance for economic
7 development, preference shall be given to businesses
8 that will have work that will be solely provided by
9 citizens of the United States who reside within the
10 United States, or any person authorized to work in the
11 United States pursuant to federal law, including legal
12 resident aliens in the United States. Any vendor who
13 receives such public moneys shall provide such
14 periodic assurances as the state shall require, that
15 the services are solely provided by citizens of the
16 United States who reside within the United States, or
17 any person authorized to work in the United States
18 pursuant to federal law, including legal resident
19 aliens in the United States."

20 2. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-1166, to amendment H-1162, filed by him and Wise of Lee from the floor and moved its adoption:

H-1166

1 Amend the amendment, H-1162, to House File 809 as
2 follows:

3 1. Page 1, by striking lines 4 through 8 and
4 inserting the following:

5 ""bb. A business creating jobs with economic
6 development assistance through moneys appropriated in
7 this subsection shall be subject to contract
8 provisions stating that new and retained jobs shall be
9 filled by individuals who are".

10 2. Page 1, line 13, by striking the words
11 "provide such" and inserting the following: "adhere
12 to such contract provisions and provide".

13 3. Page 1, line 15, by striking the words
14 "services are solely provided" and inserting the
15 following: "jobs are filled solely".

Amendment H-1166 was adopted.

On motion by Murphy of Dubuque, amendment H-1162, as amended, 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?" (H.F. 809)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting and none.

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 March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 350, a bill for an act relating to the suspension of a child support obligation.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 355, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 363, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 367, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 370, a bill for an act relating to the duration of a no-contact order in a criminal case.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 383, a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 114 WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw House File 114 from further consideration by the House.

INTRODUCTION OF BILLS

House File 822, by committee on ways and means, a bill for an act relating to deer population management and providing penalties and appropriations.

Read first time and placed on the **ways and means calendar**.

House File 823, by Fallon, a bill for an act regulating mobile establishments involved in the slaughter or preparation of livestock and poultry, providing for fees, and making penalties applicable.

Read first time and referred to committee on **agriculture**.

House File 824, by Fallon, a bill for an act requiring that state agencies purchase Iowa agricultural commodities and food derived from Iowa agricultural commodities.

Read first time and referred to committee on **state government**.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 809** be immediately messaged to the Senate.

House File 703, a bill for an act concerning authorized testing substances for private sector employee drug testing, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1142 filed by him and moved its adoption:

H-1142

- 1 Amend House File 703 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 730.5, subsection 1, paragraph
- 5 b, Code 2005, is amended to read as follows:
- 6 b. "Confirmed positive test result" means, except
- 7 for alcohol testing conducted pursuant to subsection
- 8 7, paragraph "f", subparagraph (2), the results of a
- 9 ~~blood, urine, or oral fluid~~ drug test in which the
- 10 level of controlled substances or metabolites in the

11 ~~specimen sample~~ analyzed meets or exceeds nationally
12 accepted standards for determining detectable levels
13 of controlled substances as adopted by the federal
14 United States department of health and human services'
15 substance abuse and mental health services
16 administration. If nationally accepted standards for
17 ~~oral fluid tests on a particular specimen~~ have not
18 been adopted by the federal United States department
19 of health and human services' substance abuse and
20 mental health services administration, the standards
21 for determining detectable levels of controlled
22 substances for purposes of determining a confirmed
23 positive test result shall be the same standard that
24 has been established cleared or approved by the
25 federal United States department of health and human
26 services' food and drug administration for the
27 ~~measuring instrument used to perform the oral fluid~~
28 ~~test particular specimen testing utilized.~~

29 Sec. 2. Section 730.5, subsection 1, paragraph k,
30 Code 2005, is amended to read as follows:

31 k. "Sample" means such sample from the human body
32 capable of revealing the presence of alcohol or other
33 drugs, or their metabolites, ~~which shall include only~~
34 ~~urine, saliva, breath, and blood.~~ However, "sample"
35 does not mean blood except as authorized pursuant to
36 subsection 7, paragraph "l".

37 Sec. 3. Section 730.5, subsection 7, paragraph b,
38 Code 2005, is amended to read as follows:

39 b. Collection of a urine sample for testing of
40 current employees shall be performed so that the
41 specimen is split into two components at the time of
42 collection in the presence of the individual from whom
43 the sample or specimen is collected. The second
44 portion of the specimen or sample shall be of
45 sufficient quantity to permit a second, independent
46 confirmatory test as provided in paragraph "i". The
47 if the sample is urine, the sample shall be split such
48 that the primary sample contains at least thirty
49 milliliters and the secondary sample contains at least
50 fifteen milliliters. Both portions of the sample

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1 shall be forwarded to the laboratory conducting the
2 initial confirmatory testing. In addition to any
3 requirements for storage of the initial sample that
4 may be imposed upon the laboratory as a condition for
5 certification or approval, the laboratory shall store
6 the second portion of any sample until receipt of a
7 confirmed negative test result or for a period of at
8 least forty-five calendar days following the
9 completion of the initial confirmatory testing, if the

10 first portion yielded a confirmed positive test
 11 result.
 12 Sec. 4. Section 730.5, subsection 7, paragraph f,
 13 subparagraph (2), Code 2005, is amended to read as
 14 follows:
 15 (2) Notwithstanding any provision of this section
 16 to the contrary, alcohol testing, including initial
 17 and confirmatory testing, may be conducted pursuant to
 18 requirements established by the employer's written
 19 policy. The written policy shall include requirements
 20 governing evidential breath testing devices, alcohol
 21 screening devices, and the qualifications for
 22 personnel administering initial and confirmatory
 23 testing, which shall be consistent with regulations
 24 adopted as of ~~January 1, 1999~~ March 15, 2005, by the
 25 United States department of transportation governing
 26 alcohol testing required to be conducted pursuant to
 27 the federal Omnibus Transportation Employee Testing
 28 Act of 1991."
 29 2. Title page, line 1, by striking the words
 30 "authorized testing substances for".

Amendment H-1142 was adopted.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 703)

The ayes were, 56:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	McCarthy	Mertz	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdyke	Mr. Speaker
			Rants

The nays were, 44:

Berry	Bukta	Cohoon	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Reasoner
Reichert	Schuessler	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 703** 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 March 23, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the House is asked:

Senate File 71, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

Also: That the Senate has on March 23, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 358, a bill for an act relating to liens associated with agricultural production, by providing for the termination of those liens.

MICHAEL E. MARSHALL, Secretary

House File 808, a bill for an act relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources, was taken up for consideration.

Mertz of Kossuth offered amendment H-1153 filed by her as follows:

H-1153

1 Amend House File 808 as follows:

2 1. Page 1, line 15, by striking the figure
3 "18,047,299" and inserting the following:
4 "18,083,299".

5 2. Page 2, by inserting after line 15, the
6 following:

7 "____. Of the amount appropriated in subsection 1,
8 the department shall not expend less than \$40,000 for
9 salary, support, maintenance and miscellaneous
10 purposes relating to the administration of apiary
11 regulations as provided in chapter 160."

12 3. Page 4, line 3, by striking the figure
13 "16,390,463" and inserting the following:
14 "16,985,439".

15 4. Page 4, line 5, by striking the word "a."

16 5. Page 4, by striking lines 8 through 16.

17 6. Page 7, by inserting after line 9 the
18 following:

19 "MISCELLANEOUS PROVISIONS

20 Sec.____. Section 99D.22, subsection 4, Code 2005,
21 is amended to read as follows:

22 4. a. To qualify for the Iowa horse and dog
23 breeders fund, a dog shall have been whelped in Iowa
24 and raised for the first six months of its life in
25 Iowa. In addition, the owner of the dog shall have
26 been a resident of the state for at least two years
27 prior to the whelping. The department of agriculture
28 and land stewardship shall adopt rules and prescribe
29 forms to bring Iowa breeders into compliance with
30 residency requirements of dogs and breeders in this
31 subsection.

32 b. The department may adopt a schedule of fees to
33 be charged to breeders of dogs for purposes of
34 administering this subsection."

35 7. Title page, line 3, by inserting after the
36 word "resources" the following: ", and providing for
37 fees".

38 8. By renumbering as necessary.

De Boef of Keokuk offered the following amendment H-1164, to amendment H-1153, filed by her from the floor and moved its adoption:

H-1164

- 1 Amend the amendment, H-1153, to House File 808, as
- 2 follows:
- 3 . 1. Page 1, by striking lines 2 through 4.
- 4 2. Page 1, by striking lines 12 through 15.
- 5 3. Page 1, by striking line 16, and inserting the
- 6 following:
- 7 "___ . Page 4, line 8, by inserting after the word
- 8 and figure "subsection 1," the following: "and from
- 9 any other moneys available to the department,".
- 10 ___ . Page 4, line 11, by inserting after the word
- 11 and figure "subsection 1," the following: "and from
- 12 any other moneys available to the department,".
- 13 ___ . Page 4, line 14, by inserting after the word
- 14 and figure "subsection 1," the following: "and from
- 15 any other moneys available to the department,".

Roll call was requested by Murphy of Dubuque and Kuhn of Floyd.

Rules 75 was invoked.

On the question "Shall amendment H-1164 to amendment H-1153 be adopted?" (H.F. 808)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

The nays were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens

Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, none.

Amendment H-1164 was adopted.

Mertz of Kossuth asked and received unanimous consent to withdraw amendment H-1153, as amended, filed by her on March 22, 2005.

Hogg of Linn offered amendment H-1156 filed by him and Shoultz of Black Hawk as follows:

H-1156

- 1 Amend House File 808 as follows:
- 2 1. Page 7, by inserting after line 9 the
- 3 following:
- 4 "MISCELLANEOUS PROVISIONS
- 5 Sec. __. NEW SECTION. 455B.196 IOWA CLEAN WATER
- 6 GRANT PROGRAM.
- 7 1. The commission shall establish and administer
- 8 an Iowa clean water grant program for purposes of
- 9 providing financial assistance for remedial activities
- 10 designed to lead to the removal of a water of the
- 11 state from any list of impaired waters including any
- 12 section 303(d) list within five years of receiving the
- 13 financial assistance.
- 14 2. Any city, county, soil and water conservation
- 15 district, county conservation board, or other public
- 16 sector agency may apply to the commission for
- 17 financial assistance under the program. The applicant
- 18 shall be deemed to be the lead local agency for
- 19 purposes of the program. In addition to any other
- 20 information required by the commission, an applicant
- 21 shall provide all of the following information:
- 22 a. The impaired water of the state that is
- 23 intended to be remediated.
- 24 b. Entities that support the application for
- 25 financial assistance. Such entities may include, but
- 26 are not limited to, the department of agriculture and

27 land stewardship, the Iowa department of public
 28 health, a city, a county, a soil and water
 29 conservation district, a county conservation board, a
 30 farm services agency office, the Iowa state university
 31 agricultural extension service, a school district, a
 32 community college, an accredited private college, a
 33 university under the control of the state board of
 34 regents, and a nonprofit organization. The
 35 application shall state the type of support that the
 36 entity is providing to the lead local agency.

37 c. The source and amount of public and private
 38 local funding, as well as additional state and federal
 39 funding for the remediation plan.

40 d. A remediation plan which may consist of a total
 41 maximum daily load plan. The remediation plan shall
 42 include all of the following:

43 (1) The biological feasibility of cleaning up the
 44 impaired water of the state that is subject to the
 45 application to the extent that the water of the state
 46 can be removed from any list of impaired waters
 47 including any section 303(d) list.

48 (2) The method for measuring water quality in the
 49 watershed and for measuring the results of the
 50 remediation plan, once implemented.

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1 (3) The anticipated public health, environmental,
 2 wildlife, and economic impact of the remediation plan.

3 (4) The need for the remediation plan as
 4 demonstrated by past monitoring data and an assessment
 5 of current sources of water pollution.

6 3. Applications for financial assistance under the
 7 program shall be reviewed and approved by the
 8 commission. In addition to any financial assistance
 9 awarded by the commission, the commission may, as part
 10 of an award, require technical assistance to be given
 11 by the department. The commission shall not award
 12 financial assistance to one lead local agency in an
 13 amount that is more than twenty percent or less than
 14 two percent of the total amount appropriated to the
 15 commission during a fiscal year for the program.

16 Sec. __. APPROPRIATION. There is appropriated
 17 from the general fund of the state to the
 18 environmental protection commission for the fiscal
 19 year beginning July 1, 2005, and ending June 30, 2006,
 20 the following amount, or so much thereof as is
 21 necessary, to be used for the purpose designated:

22 For providing grants under the clean water grant
 23 program, pursuant to section 455B.196, if enacted:
 24 \$ 10,000,000"

25 2. By renumbering as necessary.

De Boef of Keokuk rose on a point of order that amendment H-1156 was not germane.

The Speaker ruled the point well taken and amendment H-1156 not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment H-1156.

Objection was raised.

Hogg of Linn moved to suspend the rules to consider amendment H-1156.

Roll call was requested by Murphy of Dubuque and Hogg of Linn.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1156?" (H.F. 808)

The ayes were, 50:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Maddox	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk

Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, none:

The motion to suspend the rules lost.

S. Olson of Clinton in the chair at 4:39 p.m.

Speaker Rants in the chair at 4:46 p.m.

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. 808)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

The nays were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk

Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, none.

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 808** be immediately messaged to the Senate.

House File 702, a bill for an act relating to the responsibilities of divisions within the department of workforce development, including training for occupational safety and health inspections and investigations, and certain workers' compensation benefits, was taken up for consideration.

Roberts of Carroll in the chair at 5:03 p.m.

Struyk of Pottawattamie offered amendment H-1103 filed by him as follows:

H-1103

- 1 Amend House File 702 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "Sec. ____ Section 85.35, Code 2005, is amended to
- 5 read as follows:
- 6 85.35 SETTLEMENT IN CONTESTED CASE SETTLEMENTS.
- 7 1. The parties to a contested case or persons who
- 8 are involved in a dispute which could culminate in a
- 9 contested case may enter into a settlement of any
- 10 claim arising under this chapter or chapter 85A, 85B,
- 11 or 86, providing for final disposition of the claim,
- 12 provided that no final disposition affecting rights to
- 13 future benefits may be had when the only dispute is
- 14 the degree of disability resulting from an injury for
- 15 which an award for payments or agreement for
- 16 settlement under section 86.13 has been made. The
- 17 settlement shall be in writing on forms prescribed by
- 18 the workers' compensation commissioner and submitted

19 to the workers' compensation commissioner for
20 approval.

21 2. The parties may enter into an agreement for
22 settlement that establishes the employer's liability,
23 fixes the nature and extent of the employee's current
24 right to accrued benefits, and establishes the
25 employee's right to statutory benefits that accrue in
26 the future.

27 3. The parties may enter into a compromise
28 settlement of the employee's claim to benefits as a
29 full and final disposition of the claim.

30 4. The parties may enter into a settlement that is
31 a combination of an agreement for settlement and a
32 compromise settlement that establishes the employer's
33 liability for part of a claim but makes a full and
34 final disposition of other parts of a claim.

35 5. A contingent settlement may be made and
36 approved, conditioned upon subsequent approval by a
37 court or governmental agency, or upon any other
38 subsequent event that is expected to occur within one
39 year from the date of the settlement. If the
40 subsequent approval or event does not occur, the
41 contingent settlement and its approval may be vacated
42 by order of the workers' compensation commissioner
43 upon a petition for vacation filed by one of the
44 parties or upon agreement by all parties. If a
45 contingent settlement is vacated, the running of any
46 period of limitation provided for in section 85.26 is
47 tolled from the date the settlement was initially
48 approved until the date that the settlement is
49 vacated, and the claim is restored to the status that
50 the claim held when the contingent settlement was

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1 initially approved. The contingency on a settlement
2 lapses and the settlement becomes final and fully
3 enforceable if an action to vacate the contingent
4 settlement or to extend the period of time allowed for
5 the subsequent approval or event to occur is not
6 initiated within one year from the date that the
7 contingent settlement was initially approved.

8 6. The parties may agree that settlement proceeds,
9 which are paid in a lump sum, are intended to
10 compensate the injured worker at a given monthly or
11 weekly rate over the life expectancy of the injured
12 worker. If such an agreement is reached, neither the
13 weekly compensation rate which either has been paid,
14 or should have been paid, throughout the case, nor the
15 maximum statutory weekly rate applicable to the injury
16 shall apply. Instead, the rate set forth in the
17 settlement agreement shall be the rate for the case.

18 The settlement shall not be approved unless
19 evidence of a bona fide dispute exists concerning any
20 of the following:

21 1. The claimed injury arose out of or in the
22 course of the employment.

23 2. The injured employee gave notice under section
24 85.23.

25 3. Whether or not the statutes of limitations as
26 provided in section 85.26 have run. When the issue
27 involved is whether or not the statute of limitations
28 of section 85.26, subsection 2, has run, the final
29 disposition shall pertain to the right to weekly
30 compensation unless otherwise provided for in
31 subsection 7 of this section.

32 4. The injury was caused by the employee's willful
33 intent to injure the employee's self or to willfully
34 injure another.

35 5. Intoxication, which did not arise out of and in
36 the course of employment but which was due to the
37 effects of alcohol or another narcotic, depressant,
38 stimulant, hallucinogenic, or hypnotic drug not
39 prescribed by an authorized medical practitioner, was
40 a substantial factor in causing the employee's injury.

41 6. The injury was caused by the willful act of a
42 third party directed against the employee for reasons
43 personal to such employee.

44 7. This chapter or chapter 85A, 85B, 86 or 87
45 applies to the party making the claim.

46 8. A substantial portion of the claimed disability
47 is related to physical or mental conditions other than
48 those caused by the injury.

49 7. A settlement shall be approved by the workers'
50 compensation commissioner if the parties show all of

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1 the following:

2 a. Substantial evidence exists to support the
3 terms of the settlement.

4 b. Waiver of the employee's right to a hearing,
5 decision, and statutory benefits is made knowingly by
6 the employee.

7 c. The settlement is a reasonable and informed
8 compromise of the competing interests of the parties.

9 If an employee is represented by legal counsel, it
10 is presumed that the required showing for approval of
11 the settlement has been made.

12 8. Approval of a settlement by the workers'
13 compensation commissioner shall be is binding on the
14 parties and shall not be construed as an original
15 proceeding. Notwithstanding any provisions of this
16 chapter and chapters 85A, 85B, 86, and 87, an approved

17 compromise settlement shall constitute a final bar to
 18 any further rights arising under this chapter and
 19 chapters 85A, 85B, 86, and 87. ~~Such regarding the~~
 20 subject matter of the compromise and a payment made
 21 pursuant to a compromise settlement agreement shall
 22 not be construed as the payment of weekly
 23 compensation."

24 2. Page 2, by inserting after line 1 the
 25 following:

26 "Sec. __. Section 85.71, Code 2005, is amended by
 27 adding the following new subsection:

28 NEW SUBSECTION. 5. The employer has a place of
 29 business in Iowa, and the employee is working under a
 30 contract of hire which provides that the employee's
 31 workers' compensation claims be governed by Iowa law.

32 Sec. __. Section 86.24, subsection 4, Code 2005,
 33 is amended to read as follows:

34 4. A transcript of a contested case proceeding
 35 shall be provided by an appealing party at the party's
 36 cost ~~and an affidavit shall be filed by the appealing~~
 37 ~~party or the party's attorney with the workers'~~
 38 ~~compensation commissioner within ten days after the~~
 39 ~~filing of the appeal to the workers' compensation~~
 40 ~~commissioner stating that the transcript has been~~
 41 ~~ordered and identifying the name and address of the~~
 42 ~~reporter or reporting firm from which the transcript~~
 43 ~~has been ordered.~~

44 Sec. __. Section 87.14A, Code 2005, is amended to
 45 read as follows:

46 ~~87.14A INSURANCE OR BOND REQUIRED.~~

47 An employer subject to this chapter and chapters
 48 85, 85A, 85B, and 86 shall not engage in business
 49 without first obtaining insurance covering
 50 compensation benefits or obtaining relief from

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1 insurance as provided in this chapter ~~or furnishing a~~
 2 ~~bond pursuant to section 87.16.~~ A person who
 3 willfully and knowingly violates this section is
 4 guilty of a class "D" felony.

5 Sec. __. Section 87.19, unnumbered paragraph 1,
 6 Code 2005, is amended to read as follows:

7 Upon the receipt of information by the workers'
 8 compensation commissioner of any employer failing to
 9 comply with ~~sections 87.16 and 87.17~~ section 87.14A,
 10 the commissioner shall at once notify such employer by
 11 certified mail that unless such employer comply with
 12 the requirements of law, legal proceedings will be
 13 instituted to enforce such compliance.

14 Sec. __. Section 87.20, Code 2005, is amended to
 15 read as follows:

16 87.20 REVOCATION OF RELEASE FROM INSURANCE.

17 The insurance commissioner ~~with the concurrence of~~
 18 ~~the workers' compensation commissioner~~ may, at any
 19 time, upon reasonable notice to such employer and upon
 20 hearing, revoke for cause any order theretofore made
 21 relieving any employer from carrying insurance as
 22 provided by this chapter."

23 3. Page 2, by inserting after line 27 the
 24 following:

25 "Sec. ____ Sections 87.16 and 87.17, Code 2005,
 26 are repealed."

27 4. Title page, by striking line 4, and inserting
 28 the following: "and workers' compensation."

29 5. By renumbering as necessary.

Struyk of Pottawattamie offered the following amendment H-1169, to amendment H-1103, filed by him and Jenkins of Black Hawk from the floor and moved its adoption:

H-1169

1 Amend the amendment, H-1103, to House File 702 as
 2 follows:

3 1. Page 4, by inserting after line 22 the
 4 following:

5 " ____ Page 2, by striking lines 26 and 27 and
 6 inserting the following: "was obtained, and shall
 7 make the information documented available upon
 8 request."

Amendment H-1169 was adopted.

On motion by Struyk of Pottawattamie amendment H-1103, as amended, was adopted.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 702)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carrroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach

Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Roberts, Presiding	

The nays were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 702** be immediately messaged to the Senate.

SENATE FILE 206 REREFERRED

The Speaker announced that Senate File 206, previously referred to committee on **natural resources** was **passed on file**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber the week of March 13 through March 18, 2005. Had I been present, I would have voted "aye" on House Files 370, 398, 399, 419, 423, 438, 469, 476, 478, 480, 512, 532, 580, 581, 584, 591, 602, 607, 624, 641, 644, 645, 646,

673, 682, 683, 685, 700, 716, 717; amendment H-1056B to House File 642 and amendment H-1077 to House File 644 and Senate Files 71, 139, 141 and 169. I would have voted "nay" on House Files 440, 479, 529, 642 and House Joint Resolution 1.

HEDDENS of Story

I was necessarily absent from the House chamber on March 21 and March 22, 2005. Had I been present, I would have voted "aye" on House Files 254, 585, 587, 613, 617, 710, 712, 718, 722, 726, 738, 740, 742, 745, 746, 754, 757, 758, 760, 764, 774, 786, 787 and "nay" on House Files 739 and 767.

FOEGE of Linn

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty 5th and 6th grade students from Wickham Elementary School Coralville, Iowa, accompanied by Jane Balvanz. By Jacoby of Johnson, Lensing of Johnson and Mascher of Johnson.

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

- | | |
|----------|---|
| 2005\927 | Lindsey Trost, Wall Lake View – Auburn High School – For being named a State of Iowa Scholar. |
| 2005\928 | Angela Hartwig, North Scott High School – For being named a State of Iowa Scholar. |
| 2005\929 | Ashley Carstens, North Scott High School – For being named a State of Iowa Scholar. |
| 2005\930 | Cori Thompson, North Scott High School – For being named a State of Iowa Scholar. |

- 2005\931 Thomas Campie, Camanche High School – For being named a State of Iowa Scholar.
- 2005\932 Stephanie Delacy, Camanche High School – For being named a State of Iowa Scholar.
- 2005\933 Paul Thomas, Camanche High School – For being named a State of Iowa Scholar.
- 2005\934 Matthew Yoder, Camanche High School – For being named a State of Iowa Scholar.
- 2005\935 Daphne Allensworth, Central High School – For being named a State of Iowa Scholar.
- 2005\936 Carissa Cheney, Central High School – For being named a State of Iowa Scholar.
- 2005\937 Sara Dierickx, Central High School – For being named a State of Iowa Scholar.
- 2005\938 Elizabeth Farrell, Central High School – For being named a State of Iowa Scholar.
- 2005\939 Matthew Gravert, Central High School – For being named a State of Iowa Scholar.
- 2005\940 Sarah Leners, Central High School – For being named a State of Iowa Scholar.
- 2005\941 Jovon Eberhart, Maquoketa High School – For being named a State of Iowa Scholar.
- 2005\942 Molly McDermott, Maquoketa High School – For being named a State of Iowa Scholar.

SUBCOMMITTEE ASSIGNMENTS

House File 437

Ways and Means: Paulsen, Chair; Shomshor and Tomenga.

Senate File 210

Commerce, Regulation and Labor: Jacobs, Chair; Jacoby and Soderberg.

Senate File 260

Commerce, Regulation and Labor: Sands, Chair; May and Quirk.

Senate File 359

Local Government: Schickel, Chair; Gaskill and Jones.

Senate File 375

Environmental Protection: Greiner, Chair; Heddens, Horbach, Huseman and Kressig.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**House Study Bill 288**

Government Oversight: Raecker, Chair; Hutter and Thomas.

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 284), relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 22, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 750), relating to deer population management and providing penalties and appropriations.

Fiscal Note is not required.

Recommended **Do Pass** March 22, 2005.

RESOLUTIONS FILED

HCR 11, by Kuhn and Whitaker, a concurrent resolution requesting the United States government to take actions securing the integrity

of the nation's meat supply by restricting the importation of ruminants and ruminant products into the United States from Canada.

Laid over under **Rule 25**.

HCR 12, by Fallon, a concurrent resolution requesting that the legislative council establish an interim study committee to study instant runoff voting.

Laid over under **Rule 25**.

HR 25, by Wessel-Kroeschell, Heddens, D. Olson and Kurtenbach, a resolution honoring the Iowa State University football team and Coach Dan McCarney for their successful season and victory at the Independence Bowl.

Laid over under **Rule 25**.

HR 26, by Wessel-Kroeschell, Heddens, D. Olson and Kurtenbach, a resolution to recognize Joanne Olson of Iowa State University for being named the Outstanding Science Teacher Educator of the Year by the Association for Science Teacher Education.

Laid over under **Rule 25**.

HR 27, by Wessel-Kroeschell, Heddens, D. Olson and Kurtenbach, a resolution to recognize Holly Bender, Associate Professor of Veterinary Pathology at Iowa State University, for receiving the Teaching Excellence Award for Basic Sciences from the Student American Veterinary Medicine Association.

Laid over under **Rule 25**.

HR 28, by Wessel-Kroeschell, Heddens, D. Olson and Kurtenbach, a resolution of appreciation to the Iowa Chapter of the American Institute of Architects for designating C.Y. Stephens Auditorium as Iowa's Building of the Century.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1167	H.F.	610	Dix of Butler Petersen of Polk
H—1168	H.F.	536	Raecker of Polk
H—1170	H.F.	822	Whitaker of Van Buren
H—1171	H.F.	711	Eichhorn of Hamilton Swaim of Davis
H—1172	H.F.	539	Tomenga of Polk
H—1173	H.F.	816	Alons of Sioux Chambers of O'Brien De Boef of Keokuk
H—1174	H.F.	814	Alons of Sioux
H—1175	H.F.	793	Gaskill of Wapello
H—1176	H.F.	799	Paulsen of Linn

On motion by Jacobs of Polk the House adjourned at 5:11 p.m., until 8:45 a.m., Thursday, March 24, 2005.

JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day - Fifty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 24, 2005

The House met pursuant to adjournment at 9:03 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable David Johnson, state senator from Osceola County and the Honorable Doug Shull, state senator from Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 23, 2005 was approved.

INTRODUCTION OF BILL

House File 825, by committee on appropriations, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGES CONSIDERED

Senate File 245, by committee on education, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group.

Read first time and referred to committee on **education**.

Senate File 343, by committee on human resources, a bill for an act relating to governmental services involving audit reports and the family investment program.

Read first time and referred to committee on **human resources**.

Senate File 350, by committee on human resources, a bill for an act relating to the suspension of a child support obligation.

Read first time and **passed on file**.

Senate File 352, by committee on human resources, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable.

Read first time and **passed on file**.

Senate File 355, by committee on human resources, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

Read first time and **passed on file**.

Senate File 358, by committee on judiciary, a bill for an act relating to liens associated with agricultural production, by providing for the effectiveness, perfection, and termination of those liens.

Read first time and referred to committee on **agriculture**.

Senate File 363, by committee on commerce, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

Read first time and referred to committee on **commerce, regulation and labor**.

Senate File 367, by committee on natural resources and environment, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, modifying fees, and making penalties applicable.

Read first time and **passed on file**.

Senate File 370, by committee on judiciary, a bill for an act relating to the duration of a no-contact order in a criminal case.

Read first time and referred to committee on **judiciary**.

Senate File 383, by committee on judiciary, a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

Read first time and referred to committee on **public safety**.

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

- | | |
|----------|---|
| 2005\943 | Heen Trevett Newman, Clear Lake – For celebrating her 80 th birthday. |
| 2005\944 | Mildred Cole, Rockwell – For celebrating her 90 th birthday. |
| 2005\945 | Howard Muhlenbruch, Hampton – For celebrating his 80 th birthday. |
| 2005\946 | J. Joseph Bamrick, Rockwell – For celebrating his 80 th birthday. |
| 2005\947 | James Whitney, Sheffield – For celebrating his 85 th birthday. |
| 2005\948 | Gerald Burk, Klemme – For celebrating his 90 th birthday. |
| 2005\949 | Leona Jorgensen, Hampton – For celebrating her 92 nd birthday. |
| 2005\950 | Ed and Norene Schwierjohann, Sheffield – For celebrating their 50 th wedding anniversary. |
| 2005\951 | Thomas Heijerman, Carmel – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |
| 2005\952 | Lindsay Burry, Keokuk – For being named to the Academic All-Conference Team and receiving an Honorable Mention at the Southeast Conference. |

- 2005\953 Haley Miller, Keokuk – For being named to the All-Conference Second Team and the Academic All-Conference Team.
- 2005\954 Julie McDonald, Keokuk – For being named to the Academic All-Conference Team and receiving an Honorable Mention at the Southeast Conference.
- 2005\955 Katy McCarty, Keokuk – For being named to the All-Conference Second Team and the Academic All-Conference Team.
- 2005\956 Courtney Boyd, Keokuk – For being named the Southeast Conference Most Valuable Player for the second consecutive year, and for being named to the All-Conference First Team and the Academic All-Conference Team.
- 2005\957 Lindsey Hurt, Keokuk – For being named to the All-Conference First Team and the Academic All-Conference Team.
- 2005\958 Archie and Shirley Bair, Brooklyn – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 290 Ways and Means

Authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

H.S.B. 291 Ways and Means

Relating to a sales tax holiday for purchases of certain computers during certain times.

RESOLUTIONS FILED

HCR 13, by Fallon, a concurrent resolution requesting an air quality study by the universities under the control of the state board of regents.

Laid over under **Rule 25**.

HR 29, by Jenkins and Petersen, a resolution designating April 2005 as Financial Literacy for Youth Month in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1177	H.F.	282	Horbach of Tama
H—1178	H.F.	822	Rayhons of Hancock
H—1179	H.F.	793	Jochum of Dubuque
H—1180	H.F.	793	Jochum of Dubuque
H—1181	H.F.	551	Raecker of Polk
			Huser of Polk
			Elgin of Linn
			Jochum of Dubuque
			Jacobs of Polk
			Ford of Polk
H—1182	H.F.	761	Tymeson of Madison
			Foege of Linn
			Heaton of Henry
			Upmeyer of Hancock
			Petersen of Polk
H—1183	H.F.	765	Petersen of Polk
H—1184	H.F.	761	Tymeson of Madison
			Heaton of Henry
			Upmeyer of Hancock
H—1185	H.F.	372	Boal of Polk
H—1186	H.F.	537	Kurtenbach Story
H—1187	H.F.	753	Smith of Marshall

On motion by Gipp of Winneshiek the House adjourned at 9:13 a.m., until 1:00 p.m., Monday, March 28, 2005.

JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day - Fifty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 28, 2005

The House met pursuant to adjournment at 1:13 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Lyonel Watkins, pastor of Faith Baptist Church, Oelwein. He was the guest of Representative David Lalk from Fayette County.

PLEDGE OF ALLEGIANCE

The National Anthem was sung by Devon Densmore. She was the guest of Representative Rich Arnold from Lucas County.

The Journal of Thursday, March 24, 2005 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 March 24, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 351, a bill for an act relating to voting machines, including by requiring that direct recording electronic voting machines used in the state produce paper records to be verified by voters.

Also: That the Senate has on March 24, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 354, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 351, by committee on state government, a bill for an act relating to voting machines, including by requiring that direct

recording electronic voting machines used in the state produce paper records to be verified by voters.

Read first time and referred to committee on **state government**.

Senate File 354, by committee on commerce, a bill for an act establishing pilot projects requiring the division of insurance to allow flexible small employer group health insurance coverage and requiring the insurance division to review insurance rating issues affecting small employers.

Read first time and referred to committee on **commerce, regulation and labor**.

ADOPTION OF HOUSE RESOLUTION 30

Boal of Polk asked and received unanimous consent for the immediate consideration of **House Resolution 30**, a resolution honoring the Ankeny High School Girls' Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Boal of Polk introduced to the House Scott DeJong, coach of the Ankeny Hawkettes, whom thanked the House for the honor and introduced the basketball team.

The House rose and expressed its appreciation.

On motion by Gipp of Winneshiek, the House was recessed at 1:30 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 4:04 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILL

House File 826, by committee on appropriations, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

Read first time and placed on the **appropriations calendar**.

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

- 2005\959 Beatrice Beglau, Sioux City – For celebrating her 80th birthday.
- 2005\960 Merle Potts, Sioux City – For celebrating her 90th birthday.
- 2005\961 J.J. McCann, Sioux City – For celebrating his 90th birthday.
- 2005\962 Matthew James Niblock, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\963 Mrs. Dorothy Ray, Nevada – For celebrating her 80th birthday.
- 2005\964 Ernie Schuler, Zearing – For celebrating his 90th birthday.
- 2005\965 Dorathy Twedt, McCallsburg – For celebrating her 80th birthday.
- 2005\966 Lenora Sayre, Slater – For celebrating her 85th birthday.
- 2005\967 Leo Tjelmund, Nevada – For celebrating his 80th birthday.
- 2005\968 Robert and Helen Larson, Story City – For celebrating their 60th wedding anniversary.
- 2005\969 Wilmer and Gladys Peter, Story City – For celebrating their 50th wedding anniversary.
- 2005\970 Tena Johnson, Jewell – For celebrating her 103rd birthday.
- 2005\971 Gordon Meyers, Davenport – For celebrating his 90th birthday.
- 2005\972 Dennis Wright, Hull – For receiving the School Administrators Award from the Iowa High School Athletic Association.
- 2005\973 Paul Landman, Hull – For being one of the top three principals of the year in the State of Iowa and for being chosen as elementary principal of the year in the Area Education Association Four.
- 2005\974 MOC-FV Boys Basketball Team, Orange City – For winning the 2005 Boys State Basketball Class 3A Championship.
- 2005\975 Unity Christian High Boys Basketball Team, Orange City – For winning the 2005 Boys State Basketball Class 2A Championship.

2005\976 Tom True, Mason City – For his 29 years of dedicated service to the Community Development Department of Mason City.

SUBCOMMITTEE ASSIGNMENTS -

Senate File 365

Economic Growth: Jenkins, Chair; May and Schueller.

Senate File 383

Public Safety: De Boef, Chair; R. Olson and J.R. Van Fossen.

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

Committee Bill (Formerly House File 813), relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 28, 2005.

AMENDMENTS FILED

H—1188	H.F.	737	Sands of Louisa
H—1189	S.F.	206	Whitaker of Van Buren
H—1190	S.F.	330	Carroll of Poweshiek
H—1191	H.F.	619	Hutter of Scott
			Dandekar of Linn
			Tjepkes of Webster
			Petersen of Polk
H—1192	H.F.	825	Smith of Marshall
H—1193	H.F.	131	Roberts of Carroll
H—1194	H.F.	798	Eichhorn of Hamilton

H—1195	H.F.	620	Heaton of Henry
H—1196	H.F.	793	Jacobs of Polk

On motion by Dolecheck of Ringgold the House adjourned at 4:05 p.m., until 8:45 a.m., Tuesday, March 29, 2005.

JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day - Fifty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, March 29, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Klosterboer, pastor of Bethany Lutheran Church, Elkader. He was the guest of Representative Roger Thomas from Clayton County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brooke Miller, daughter of Representative Helen Miller from Webster County.

The Journal of Monday, March 28, 2005 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 9:01 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:06 p.m., Speaker Rants in the chair.

ADOPTION OF HOUSE RESOLUTION 22

Lensing of Johnson called up for consideration **House Resolution 22**, a resolution honoring Robert J. Osterhaus, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

The Honorable Robert Osterhaus, former state representative from Jackson County thanked the House for the honor and recognition.

The House rose and expressed its welcome.

The House stood at ease at 1:12 p.m., until the fall of the gavel.

The House resumed session at 3:01 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILLS

House File 827, by committee on ways and means, a bill for an act relating to the recognition and licensing of professional employer organizations and providing for penalties.

Read first time and placed on the **ways and means calendar**.

House File 828, by committee on ways and means, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Read first time and placed on the **ways and means calendar**.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 29, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 770, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals.

Also That the Senate has on March 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 786, a bill for an act relating to the operating or providing of another business or activity in a health care facility.

Also: That the Senate has on March 29, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 4, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on March 29, 2005, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 5, a concurrent resolution relating to a biennial memorial session.

Also: that the Senate has on March 29, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

Also: That the Senate has on March 29, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 388, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

Also: That the Senate has on March 29, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

Senate File 388, by committee on ways and means, a bill for an act relating to combining protests of assessment on multiple parcels separately assessed and providing an applicability date.

Read first time and referred to committee on **ways and means**.

Senate File 389, by committee on ways and means, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS
Regular Calendar

House File 761, a bill for an act relating to early childhood programs available through the community empowerment initiative, was taken up for consideration.

Tymeson of Madison offered amendment H-1184 filed by Tymeson, et al., as follows:

H-1184

1 Amend House File 761 as follows:

2 1. Page 1, by inserting after line 25 the

3 following:

4 "NEW SUBSECTION. 15. With extensive community
5 involvement, annually submit to the governor and
6 general assembly policy recommendations for assisting
7 a parent in providing full-time care of the parent's
8 child in the family home during the period of the
9 child's life from birth through age five."

10 2. Page 1, line 26, by striking the words and
11 figure "NEW SECTION. 28.10".

12 3. Page 2, by striking lines 8 through 18 and
13 inserting the following:

14 "2. COMMUNITY EMPOWERMENT OFFICE. The community
15 empowerment office of the department of management
16 shall develop a plan to physically or virtually
17 colocate the state administrative offices of the
18 programs listed in this section and the associated
19 state administrative staff. The plan shall be
20 presented to the chairpersons and ranking members of
21 the committees on human resources of the senate and
22 the house of representatives on or before January 16,
23 2006.

24 3. PROGRAMS AND AGENCIES IDENTIFIED. The plan
25 developed by the community empowerment office pursuant
26 to subsection 2 shall address the colocation of the
27 state administrative offices and associated state
28 administrative staff for all of the following
29 programs:"

30 4. Page 3, by inserting after line 23 the
31 following:

32 "d. Other programs that provide support to
33 children from birth through age five and the families
34 of such children."

35 5. Page 3, by striking lines 24 and 25 and
36 inserting the following:

37 "Sec. ____ FEDERAL COORDINATION INITIATIVE. If an

38 opportunity is offered by the federal government and
39 participation in the opportunity would not adversely
40 affect head start programs in Iowa, the Iowa".
41 6. By renumbering as necessary.

Amendment H-1184 was adopted.

Tymeson of Madison offered the following amendment H-1182
filed by Tymeson, et al., and moved its adoption:

H-1182

1 Amend House File 761 as follows:

2 1. Page 3, by inserting after line 23 the
3 following:

4 "Sec. ___. Section 237A.30, Code 2005, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 237A.30 VOLUNTARY CHILD CARE QUALITY RATING
8 SYSTEM.

9 1. The department shall work with the community
10 empowerment office of the department of management
11 established in section 28.3 and the state child care
12 advisory council in designing and implementing a
13 voluntary quality rating system for each provider type
14 of child care facility.

15 2. The criteria utilized for the rating system may
16 include but are not limited to any of the following:
17 facility type; provider staff experience, education,
18 training, and credentials; facility director education
19 and training; an environmental rating score or other
20 direct assessment environmental methodology; national
21 accreditation; facility history of compliance with law
22 and rules; child-to-staff ratio; curriculum, including
23 the extent to which the curriculum focuses on the
24 stages of child development and on child outcomes;
25 business practices; staff retention rates; evaluation
26 of staff members and program practices; staff
27 compensation and benefit practices; provider and staff
28 membership in professional early childhood
29 organizations; and parental involvement with the
30 facility.

31 3. A facility's quality rating may be included on
32 the internet page and in the consumer information
33 provided by the department pursuant to section 237A.25
34 and shall be identified in the child care provider
35 referrals made by child care resource and referral
36 service grantees under section 237A.26.

37 Sec. ___. PHASED IMPLEMENTATION.

38 1. Effective July 1, 2005, the department of human
39 services shall no longer accept applications for the

40 gold seal quality designation for child care providers
 41 under section 237A.30, Code 2005. However, if a child
 42 care provider has been awarded the designation prior
 43 to July 1, 2005, the designation may continue to be
 44 utilized for that provider until the designated period
 45 of nationally recognized accreditation for which the
 46 gold seal designation was awarded has ended.
 47 2. The department of human services shall commence
 48 implementation of the voluntary child care quality
 49 rating system under section 237A.30, as amended by
 50 this Act, by awarding ratings beginning on or after

Page 2

- 1 January 1, 2006. The department may modify
- 2 implementation of the rating system and the rating
- 3 system itself as necessary to conform to the funding
- 4 made available for the rating system for the fiscal
- 5 year beginning July 1, 2005."
- 6 2. Title page, line 1, by inserting before the
- 7 word "early" the following: "children's programs by
- 8 colocating".
- 9 3. Title page, line 2, by inserting after the
- 10 word "initiative" the following: "and requiring the
- 11 department of human services to develop and implement
- 12 a voluntary child care quality rating system".
- 13 4. By renumbering as necessary.

Amendment H-1182 was adopted.

Tymeson of Madison 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. 761)

The ayes were, 89:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher

May	McCarthy	Mertz	Murphy
Oldson	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Sands	Schickel	Schueller
Shomshor	Shoultz	Soderberg	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdye	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 11:

Berry	Fallon	Heddens	Hunter
Miller	Olson, D.	Smith	Taylor, T.
Wendt	Wessel-Kroeschell	Winckler	

Absent or not voting, none.

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 March 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 591, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date.

Also: That the Senate has on March 29, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 283, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

MICHAEL E. MARSHALL, Secretary

Speaker pro tempore Carroll in the chair at 3:25 p.m.

Ways and Means Calendar

House File 802, a bill for an act expanding the child and dependent care credit under the individual income tax and including an applicability date, was taken up for consideration.

Kaufmann 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. 802)

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing,	Lukan	Lykam	Maddox
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, 5:

Fallon	Hunter	Mascher	Taylor, D.
Taylor, T.			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Maddox of Polk called up for consideration **House File 227**, 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, amended by the Senate, and moved that the House concur in the following Senate amendment H-1062:

H-1062

- 1 Amend House File 227, as passed by the House, as
- 2 follows:
- 3 1. Page 24, line 15, by striking the words "a
- 4 state" and inserting the following: "a the state".
- 5 2. Page 24, line 16, by inserting after the word
- 6 "fair" the following: "or a fair".

The motion prevailed and the House concurred in the Senate amendment H-1062.

Maddox 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. 227)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Dix

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 227, 761 and 802.**

SENATE MESSAGES CONSIDERED

Senate File 283, by committee on judiciary, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

Read first time and referred to committee on **public safety**.

Senate File 340, by committee on transportation, a bill for an act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties.

Read first time and referred to committee on **transportation**.

Regular Calendar

House File 583, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress, was taken up for consideration.

Anderson of Page offered the following amendment H-1145 filed by him and moved its adoption:

H-1145

- 1 Amend House File 583 as follows:
- 2 1. Page 1, by striking lines 25 and 26, and
- 3 inserting the following: "The care must be provided
- 4 in good faith and must be reasonable. In addition,
- 5 one".
- 6 2. Page 2, by striking lines 12 and 13, and
- 7 inserting the following:
- 8 "___ . The care must be provided in good faith and
- 9 must be reasonable."
- 10 3. By renumbering as necessary.

Amendment H-1145 was adopted.

Anderson of Page 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. 583)

The ayes were, 100

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Wessel-Kroeschell Whitaker
Winckler Wise

Whitead
Zirkelbach

Wildurdyke
Carroll,
Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 616, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects, was taken up for consideration.

Whitaker of Van Buren offered the following amendment H-1059 filed by him and moved its adoption:

H-1059

- 1 Amend House File 616 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "expenditure" the following: "as directed by the
- 4 project's governance board".
- 5 2. Page 4, line 31, by inserting after the word
- 6 "manager." the following: "The department shall not
- 7 act unilaterally without the concurrence of a
- 8 decategorization project's governance board to
- 9 transfer or otherwise utilize funding designated for
- 10 the project's child welfare funding pool and a
- 11 decategorization agreement shall not provide that
- 12 authority for the department."

Amendment H-1059 lost.

Granzow of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 616)

The ayes were, 99:

Alons
Bell

Anderson
Berry

Arnold
Boal

Baudler
Bukta

Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, 1:

Whitaker

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 620, a bill for an act relating to the volunteer health care provider program and providing an effective date, was taken up for consideration.

Heaton of Henry offered the following amendment H-1195 filed by him and moved its adoption:

H-1195

- 1 Amend House File 620 as follows:
- 2 1. Page 1, line 10, by striking the words
- 3 "medical technology."
- 4 2. Page 2, line 2, by striking the words "medical
- 5 technology."
- 6 3. Page 2, line 22, by striking the words

7 "medical technology."

8 4. Page 4, by striking line 5, and inserting the

9 following: "under chapter 148, 150, or 150A, or a

10 chiropractor licensed under chapter 151, a physical

11 therapist".

Amendment H-1195 was adopted.

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. 620)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 217 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 217 from further consideration by the House.

House File 711, a bill for an act relating to judicial branch procedures involving the appointment process of certain officers and judges and applications for further review at the appellate level, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1171 filed by him and Swaim of Davis and moved its adoption:

H-1171

1 Amend House File 711 as follows:

2 1. Page 1, lines 18 and 19, by striking the words

3 "The chief justice may order the delay for budgetary
4 reasons."

5 2. Page 4, line 3, by striking the figure "2007"
6 and inserting the following: "2009".

7 3. Page 4, by striking line 4, and inserting the
8 following:

9 "Sec.____. DELAYS IN FILLING SUPREME COURT
10 JUSTICE, APPEALS COURT JUDGE, AND DISTRICT COURT JUDGE
11 VACANCIES.

12 1. When a vacancy occurs or will occur as provided
13 in section 46.12, subsection 1, the chief justice may
14 order the state commissioner of elections to delay
15 sending the notification. The chief justice may order
16 the delay for up to one hundred eighty days for
17 budgetary reasons. This subsection is repealed on
18 July 1, 2006."

19 4. Page 4, line 5, by inserting before the word
20 "When" the following: "2."

21 5. Page 4, lines 9 and 10, by striking the words
22 "This section is repealed on July 1, 2007" and
23 inserting the following: "This subsection is repealed
24 on July 1, 2009".

25 6. Title page, line 3, by inserting after the
26 word "level" the following: ", and providing for
27 temporary delays in filling judgeships".

Amendment H-1171 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?" (H.F. 711)

The ayes were, 84:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kressig	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	Mertz	Miller
Murphy	Oldson	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reichert
Roberts	Sands	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitead	Wilderdyeke	Winckler	Carroll, Presiding

The nays were, 16:

Cohon	Davitt	Heaton	Hutter
Kaufmann	Kuhn	McCarthy	Olson, D.
Quirk	Reasoner	Schickel	Schueller
Thomas	Whitaker	Wise	Zirkelbach

Absent or not voting, none.

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 583, 616, 620 and 711.**

House File 771, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense, was taken up for consideration.

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. 771)

The ayes were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Frevert	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kressig	Kurtenbach
Lalk	Lukan	Maddox	May
Mertz	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitead
Wilderdyeke	Carroll, Presiding		

The nays were, 45:

Bell	Berry	Bukta	Cphoon
Dandekar.	Davitt	Fallon	Foege
Ford	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kuhn	Lensing	Lykam	Mascher
McCarthy	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Winckler	Wise
Zirkelbach			

Absent or not voting, 1:

Van Engelenhoven

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 536, a bill for an act relating to dual governmental employment by executive branch officials and state employees, was taken up for consideration.

Raecker of Polk offered amendment H-1168 filed by him as follows:

H-1168

1 Amend House File 536 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. NEW SECTION. 8.7 REPORTING OF GIFTS
5 RECEIVED.

6 All gifts, bequests, and grants received by a
7 department and accepted by the governor on behalf of
8 the state shall be reported to the Iowa ethics and
9 campaign disclosure board and the government oversight
10 committees. The ethics and campaign disclosure board
11 shall, by January 31 of each year, submit to the
12 fiscal services division of the legislative services
13 agency a written report listing all gifts, bequests,
14 and grants received during the previous calendar year
15 with a value over one thousand dollars and the purpose
16 for each such gift, bequest, or grant. The submission
17 shall also include a listing of all gifts, bequests,
18 and grants received by a department from a person if
19 the cumulative value of all gifts, bequests, and
20 grants received by the department from the person
21 during the previous calendar year exceeds one thousand
22 dollars, and the ethics and campaign disclosure board
23 shall include, if available, the purpose for each such
24 gift, bequest, or grant."

25 2. Page 1, by inserting after line 31 the
26 following:

27 "Sec. NEW SECTION. 68B.22A IMPROPER
28 INFLUENCE.

29 1. An official or state employee shall not solicit
30 or accept anything of value for the benefit of any
31 state agency given pursuant to an understanding or
32 arrangement that the thing of value will influence the
33 act, vote, opinion, judgment, decision, or exercise of
34 discretion of the person with respect to the person's
35 services provided as an official or state employee.

36 2. This section shall not apply to the application
37 for or receipt of a grant obtained through a bona fide

38 written grant application process. This section shall
 39 not apply to institutions under the control of the
 40 state board of regents or the state historical society
 41 of Iowa foundation."

42 3. Title page, by striking lines 1 and 2 and
 43 inserting the following: "An Act relating to
 44 employment and improper influence ethics issues for
 45 executive branch officials and employees, and making
 46 penalties applicable."

47 4. By renumbering as necessary.

Raecker of Polk offered amendment H-1203, to amendment H-1168, filed by him from the floor as follows:

H-1203

1 Amend the amendment, H-1168, to House File 536, as

2 follows:

3 1. Page 1, by inserting after line 24 the

4 following:

5 "___ Page 1, by striking lines 13 through 17."

Amendment H-1203 was adopted.

Division of amendment H-1168, as amended, was requested as follows:

Page 1, lines 2 through 24 and lines 25 through 46, Division A.

Division B is the amendment H-1203 to amendment H-1168, previously adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment H-1168A.

Raecker of Polk moved the adoption of amendment H-1168B, as amended.

Amendment H-1168B was adopted.

Raecker 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. 536)

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, 5:

Ford	Hunter	Shoultz	Taylor, D.
Taylor, T.			

Absent or not voting, 1:

Foege

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 821, a bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation, was taken up for consideration.

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. 821)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, 1:

Fallon

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 342 and 709 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House Files 342 and 709 from further consideration by the House.

Regular Calendar

House File 582, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service, was taken up for consideration.

SENATE FILE 264 SUBSTITUTED FOR HOUSE FILE 582

May of Dickinson asked and received unanimous consent to substitute Senate File 264 for House File 582.

Senate File 264, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service, was taken up for consideration.

May of Dickinson 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. 264)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell

Whitaker
Wise

Whitead
Zirkelbach

Wilderdyke
Carroll,
Presiding

Winckler

The nays were and none.

Absent or not voting and 1:

Murphy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 582 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House File 582 from further consideration by the House.

HOUSE FILE 675 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House File 675 from further consideration by the House.

Speaker Rants in the chair at 4:41 p.m.

House File 609, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date, was taken up for consideration.

SENATE FILE 205 SUBSTITUTED FOR HOUSE FILE 609

Struyk of Pottawattamie asked and received unanimous consent to substitute Senate File 205 for House File 609.

Senate File 205, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date, was taken up for consideration.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 205)

The ayes were, 82:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Wilderdyke
Wise	Mr. Speaker		
	Rants		

The nays were, 18:

Bukta	Fallon	Foege	Ford
Heddens	Hogg	Hunter	Jochum
Kuhn	Lensing	Mascher	Olson, R.
Shomshor	Shoultz	Wessel-Kroeschell	Whitaker
Winckler	Zirkelbach		

Absent or not voting, none.

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 March 29, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 642, a bill for an act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 609 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House File 609 from further consideration by the House.

House File 798, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions and providing an effective date, was taken up for consideration.

Eichhorn of Hamilton offered the following amendment H-1194 filed by him and moved its adoption:

H-1194

- 1 Amend House File 798 as follows:
- 2 1. By striking page 15, line 20, through page 16,
- 3 line 16.
- 4 2. Page 42, line 6, by inserting after the figure
- 5 "598.6," the following: "598.7A,"
- 6 3. Page 42, by striking lines 8 through 12.
- 7 4. Title page, line 3, by striking the words "and
- 8 providing an effective date".
- 9 5. By renumbering as necessary.

Amendment H-1194 was adopted.

SENATE FILE 330 SUBSTITUTED FOR HOUSE FILE 798

Eichhorn of Hamilton asked and received unanimous consent to substitute Senate File 330 for House File 798.

Senate File 330, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions, was taken up for consideration.

Carroll of Poweshiek offered amendment H-1190 filed by him as follows:

H-1190

- 1 Amend Senate File 330 as follows:
 2 1. Page 39, line 28, by striking the word
 3 "subsection" and inserting the following:
 4 "subsections".
 5 2. Page 39, by inserting after line 30, the
 6 following:
 7 "NEW SUBSECTION. 10. The court shall include a
 8 developmentally appropriate parenting time plan in all
 9 decrees and custody orders. A developmentally
 10 appropriate parenting time plan shall take into
 11 consideration the child's age, developmental needs,
 12 personal characteristics which may include temperament
 13 and activity level, and other circumstances which may
 14 affect the scheduling of parenting time."
 15 3. By renumbering as necessary.

Mascher of Johnson rose on a point of order that amendment H-1190 was not germane.

The Speaker ruled the point not well taken and amendment H-1190 germane.

Carroll of Poweshiek moved the adoption of amendment H-1190.

Amendment H-1190 was adopted.

Eichhorn of Hamilton 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. 330)

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn

Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Wilderdyke	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, 8:

Jacoby	Lensing	Mascher	Olson, R.
Taylor, T.	Wessel-Kroeschell	Whitead	Winckler

Absent or not voting, none.

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 536, 771, 821** and **Senate Files 205, 264** and **330**.

HOUSE FILE 798 WITHDRAWN

Eichhorn of Hamilton asked and received unanimous consent to withdraw House File 798 from further consideration by the House.

House File 131, a bill for an act relating to the required education and training for dental assistants, with report of committee recommending passage, was taken up for consideration.

Roberts of Carroll offered amendment H-1193 filed by him as follows:

H-1193

- 1 Amend House File 131 as follows:
- 2 1. Page 1, by striking lines 17 through 25, and
- 3 inserting the following:

4 "(2) Successful completion of an evaluation
 5 approved by the board. The evaluation process may be
 6 waived by the board, as provided in section 17A.9A, in
 7 practice situations where the evaluation is deemed to
 8 be unnecessary or detrimental to the dentist's
 9 practice."

Roberts of Carroll offered the following amendment H-1211, to amendment H-1193, filed by him, Jochum of Dubuque, Raecker of Polk and Jacoby of Johnson from the floor and moved its adoption:

H-1211

1 Amend the amendment, H-1193, to House File 131, as
 2 follows:

3 1. Page 1, by striking lines 2 through 9 and
 4 inserting the following:

5 "__. Page 1, line 9, by inserting after the word
 6 "board," the following: "Education requirements shall
 7 be determined by the board by rule, according to
 8 standards to be determined by the board."

9 __. Page 1, line 10, by striking the word
 10 "Completion" and inserting the following: "Successful
 11 completion".

12 __. Page 1, by striking lines 13 and 14 and
 13 inserting the following:

14 "b. Successful completion of on-the-job training
 15 and examination consisting of all of the following:"

16 __. Page 1, by striking lines 17 through 25 and
 17 inserting the following:

18 "(2) Successful completion of an examination
 19 process approved by the board. A written examination
 20 may be waived by the board pursuant to section 17A.9A,
 21 in practice situations where the written examination
 22 is deemed to be unnecessary or detrimental to the
 23 dentist's practice."

24 __. Page 1, by striking lines 29 through 31 and
 25 inserting the following: "Successful passage of an
 26 examination administered by the board, under paragraph
 27 "a" or "b", which shall include sections regarding
 28 infection control,".

29 __. Page 1, lines 32 and 33, by striking the
 30 words "-shall also be required" and inserting the
 31 following: ", shall also be required"."

Amendment H-1211 was adopted.

On motion by Roberts of Carroll, amendment H-1193, as amended was adopted.

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?" (H.F. 131)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Fallon

Absent or not voting, none.

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 131** be immediately messaged to the Senate.

HOUSE FILE 486 REREFERRED

The Speaker announced that House File 486, previously referred to committee on **state government** was rereferred to committee on **oversight**.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

DEPARTMENT OF ADMINISTRATIVE SERVICES

IOWAccess Annual Report for Fiscal Year 2004, pursuant to Chapter 14B.201, 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

- | | |
|----------|---|
| 2005\977 | Norma Kellogg, Montour – For celebrating her 90 th birthday. |
| 2005\978 | Glen and Esther Timm, Toledo – For celebrating their 60 th wedding anniversary. |
| 2005\979 | Wauters Family, Elberon – For receiving the Iowa Good Neighbor Award. |
| 2005\980 | George Nopoulos, Wilton – For celebrating his 85 th birthday. |
| 2005\981 | Margaret Ponce, West Liberty – For celebrating her 85 th birthday. |
| 2005\982 | Alvin Hinrichs, Atalissa – For celebrating his 90 th birthday. |
| 2005\983 | Bob and Pat Brooke, West Liberty – For celebrating their 50 th wedding anniversary. |
| 2005\984 | Donald and JoAnn Burmeister, DeWitt – For celebrating their 50 th wedding anniversary. |

- 2005\985 Ronald and Mary Neubauer, Ackley – For celebrating their 50th wedding anniversary.
- 2005\986 Leonard and Lois Harms, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2005\987 Golda Fredericks, Iowa Falls – For celebrating her 101st birthday.
- 2005\988 Marlyn and Charlotte Miller, Alden – For celebrating their 50th wedding anniversary.
- 2005\989 Leslie Aboud, Algona – For being selected as a member of the Capitol Project 2005.
- 2005\990 Leonard and Margaret Hubrig, Waterloo – For celebrating their 57th wedding anniversary.
- 2005\991 Lorna Cavanaugh, Waterloo – For celebrating her 80th birthday.
- 2005\992 Port Beattie, Waterloo – For celebrating his 90th birthday.
- 2005\993 Vivian Allen, Waterloo – For celebrating her 80th birthday.
- 2005\994 Ruth Beattie, Waterloo – For celebrating her 87th birthday.
- 2005\995 Darrell and Irene Moore, Allerton – For celebrating their 60th wedding anniversary.
- 2005\996 Ivan and Kathryn Snook, Promise City – For celebrating their 60th wedding anniversary.
- 2005\997 John Shuey, Prairie City – For celebrating his 80th birthday.
- 2005\998 Leonard and Leona Jabaai, Colfax – For celebrating their 60th wedding anniversary.
- 2005\999 Louisa-Muscatine High School Boys Bowling Team and Coaches Jay Smith and Al Jordan, Louisa-Muscatine High School – For winning the Class A Boys State Bowling Title.
- 2005\1000 Leah Grothe, Winfield-Mt. Union High School – For being selected to attend the Iowa American Legion Auxiliary Girls State.
- 2005\1001 Dorothy Malget, Oelwein – For celebrating her 80th birthday.
- 2005\1002 Marcelline Lindstrom, Oelwein – For celebrating her 85th birthday.
- 2005\1003 George and Lyla Balliet, Hartley – For celebrating their 60th wedding anniversary.

- 2005\1004 Loyd and Helen Wine, Panora – For celebrating their 73rd wedding anniversary.
- 2005\1005 Paul Struck, Cherokee – For receiving a 2005 News Media Award by the Board of Control of the Iowa High School Athletic Association.
- 2005\1006 Ann Christine Chance, Bettendorf – For celebrating her 100th birthday.
- 2005\1007 Coy W. “C.W.” Pope, Bettendorf – For celebrating his 80th birthday.
- 2005\1008 Cletus and Penny Hansel, Guttenberg – For celebrating their 50th wedding anniversary.
- 2005\1009 Mr. and Mrs. Lawrence Stroschein, Garnavillo – For celebrating their 60th wedding anniversary.
- 2005\1010 Joseph Louis Vaughn, Nevada – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1011 Peter J. Seitz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1012 Matthew J. Kemp, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1013 Vivian Allen, Waterloo – For celebrating her 80th birthday.
- 2005\1014 Lyle and Ivadel Luloff, Grandon – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

Senate File 343

Human Resources: Carroll, Chair; Berry and Upmeyer.

Senate File 351

State Government: Jacobs, Chair; Boal, Gaskill, Greiner, T. Taylor, Upmeyer and Wendt.

Senate File 354

Commerce, Regulation and Labor: Hoffman, Chair; Pettengill and Tomenga.

Senate File 363

Commerce, Regulation and Labor: Jacobs, Chair; Jacoby and Jenkins.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 290

Ways and Means: Carroll, Chair; Huser and Tomenga.

House Study Bill 291

Ways and Means: J.K. Van Fossen, Chair; Eichhorn and Shomshor.

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 AGRICULTURE

Senate File 201, a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 210, a bill for an act relating to specified requirements applicable to a real estate broker or attorney providing services in connection with a real estate auction.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

Senate File 260, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

COMMITTEE ON EDUCATION

Senate File 176, a bill for an act entering Iowa into the Midwestern higher education compact.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 640), relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

Committee Bill (Formerly House File 791), relating to the recognition and licensing of professional employer organizations and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

RESOLUTIONS FILED

HCR 14, by Wessel-Kroeschell, a concurrent resolution recognizing Dr. Neil E. Harl, Charles F. Curtiss Distinguished Professor in Agriculture and Professor of Economics at Iowa State University, for his long and distinguished academic career at Iowa State University.

Laid over under **Rule 25**.

HR 31, by Wessel-Kroeschell, Heddens, D. Olson and Kurtenbach, a resolution honoring the Iowa State University football team and Coach Dan McCarney for their successful season and victory at the Independence Bowl.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1197	H.F.	551	Hunter of Polk
H—1198	H.F.	816	Tymeson of Madison
H—1199	H.F.	793	Jacobs of Polk
H—1200	H.F.	793	Jacobs of Polk
H—1201	H.F.	825	Smith of Marshall

H—1202	H.F.	589	Kurtenbach of Story
H—1204	S.F.	379	Paulsen of Linn
			Swaim of Davis
H—1205	H.F.	770	Senate Amendment
H—1206	H.F.	826	Lykam of Scott
H—1207	H.F.	816	Chambers of O'Brien
			Tymeson of Madison
			Frevert of Palo Alto
			May of Dickenson
			Oldson of Polk
			Mascher of Johnson
H—1208	H.F.	816	Wendt of Woodbury
H—1209	H.F.	816	Frevert of Palo Alto
			Gaskill of Wapello
			Heddens of Story
			Schuessler of Jackson
			Bukta of Clinton
			Kressig of Black Hawk
			D. Olson of Boone
			Wendt of Woodbury
			Berry of Black Hawk
			Davitt of Warren
			T. Taylor of Linn
			Hunter of Polk
			Murphy of Dubuque
H—1210	H.F.	793	Zirkelbach of Jones
H—1212	H.F.	614	Dix of Butler
			Petersen of Polk
			Jenkins of Black Hawk
			Quirk of Chickasaw
			Wise of Lee
			Jacobs of Polk
H—1213	H.F.	816	Oldson of Polk
			Mascher of Johnson
			Lensing of Johnson
			Wessel-Kroeschell of Story
			Heddens of Story
			Wendt of Woodbury
H—1214	H.F.	816	Frevert of Palo Alto
			Gaskill of Wapello
			Schuessler of Jackson
			Whitaker of Van Buren
			Wise of Lee
			Quirk of Chickasaw
			Jacoby of Johnson
			Reasoner of Union
			Kuhn of Floyd
			Swaim of Davis
			Jochum of Dubuque
			R. Olson of Polk

Cohoon of Des Moines			Foege of Linn
Ford of Polk			Whitead of Woodbury
Lykam of Scott			Oldson of Polk
Hogg of Linn			Pettengill of Benton
Wendt of Woodbury			D. Taylor of Linn
Thomas of Clayton			Shomshor of Pottawattamie
Berry of Black Hawk			Dandekar of Linn
Zirkelbach of Jones			T. Taylor of Linn
Mertz of Kossuth			Hunter of Polk
Lensing of Johnson			Winkler of Scott
Mascher of Johnson			
H—1215	H.F.	816	Wendt of Woodbury
Bukta of Clinton			Mascher of Johnson
Lensing of Johnson			Gaskill of Wapello
Winkler of Scott			Wessel-Kroeschell of Story
Heddens of Story			Oldson of Polk
H—1216	H.F.	816	Wessel-Kroeschell of Story
Bukta of Clinton			Gaskill of Wapello
Lensing of Johnson			Winckler of Scott
Mascher of Johnson			Heddens of Story
Wendt of Woodbury			Oldson of Polk
Kressig of Black Hawk			Foege of Linn
H—1217	H.F.	816	Miller of Webster
Reichert of Muscatine			Bell of Jasper
H—1218	H.F.	619	Paulsen of Linn
J.K. Van Fossen of Scott			J.R. Van Fossen of Scott
Kurtenbach of Story			Kaufmann of Cedar
Boal of Polk			Lukan of Dubuque
Heaton of Henry			Greiner of Washington
De Boef of Keokuk			Elgin of Linn
Hutter of Scott			Rants of Woodbury
H—1219	H.F.	619	Paulsen of Linn
J.K. Van Fossen of Scott			J.R. Van Fossen of Scott
Kurtenbach of Story			Kaufmann of Cedar
Boal of Polk			Lukan of Dubuque
Greiner of Washington			De Boef of Keokuk
Elgin of Linn			Heaton of Henry
Hutter of Scott			Rants of Woodbury
H—1220	H.F.	619	Greiner of Washington
Paulsen of Linn			J.K. Van Fossen of Scott
J.R. Van Fossen of Scott			Kurtenbach of Story

Kaufmann of Cedar			Boal of Polk
Lukan of Dubuque			May of Dickinson
Freeman of Buena Vista			De Boef of Keokuk
Hutter of Scott			
H—1221	H.F.	619	Rants of Woodbury
Paulsen of Linn			J.K. Van Fossen of Scott
J.R. Van Fossen of Scott			Kaufmann of Cedar
Boal of Polk			Lukan of Dubuque
Baudler of Adair			De Boef of Keokuk
Hutter of Scott			
H—1222	H.F.	816	Jenkins of Black Hawk
			Kurtenbach of Story
H—1223	H.F.	816	Chambers of O'Brien

On motion by Jacobs of Polk the House adjourned at 5:50 p.m., until 8:45 a.m., Wednesday, March 30, 2005.

JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 30, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prior to convening the House was entertained with the piano music of House Page Erin Hopp from Conroy.

Prayer was offered by Reverend David Ruhe, pastor of Plymouth Congregational United Church of Christ, Des Moines. He was the guest of Representative Libby Jacobs from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 29, 2005 was approved.

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 10:36 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohon of Des Moines on request of Whitaker of Van Buren; Shoultz of Black Hawk on request of Whitaker of Van Buren.

CONSIDERATION OF BILLS

Regular Calendar

House File 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means, was taken up for consideration.

Dix of Butler offered the following amendment H-1212 filed by Dix, et al., and moved its adoption:

H-1212

1 Amend House File 614 as follows:

2 1. Page 6, by striking lines 3 through 18 and
3 inserting the following:

4 "Sec. . NEW SECTION. 714F.7 CRIMINAL
5 PENALTIES.

6 1. A person who commits an unlawful act under this
7 chapter is guilty of an aggravated misdemeanor.

8 2. A person who commits an unlawful act under this
9 chapter and who causes pecuniary losses exceeding one
10 thousand dollars to a victim of the unlawful act is
11 guilty of a class "D" felony.

12 Sec. . NEW SECTION. 714F.8 VENUE FOR CRIMINAL
13 VIOLATIONS.

14 For the purpose of determining proper venue, a
15 violation of this chapter shall be considered to have
16 been committed in any county in which any of the
17 following apply:

18 1. An act was performed in furtherance of the
19 violation.

20 2. The owner or operator who is the victim of the
21 violation has a place of business in this state.

22 3. The defendant has control or possession of any
23 proceeds of the violation, or of any books, records,
24 documents, property, financial instrument, computer
25 software, computer program, computer data, or other
26 material or objects used in furtherance of the
27 violation.

28 4. The defendant unlawfully accessed a computer or
29 computer network by wires, electromagnetic waves,
30 microwaves, or any other means of communication.

31 5. The defendant resides.

32 6. A computer used as an object or an instrument
33 in the commission of the violation was located at the
34 time of the violation."

35 2. Title page, line 2, by inserting after the
36 word "means" the following: "and providing for
37 penalties".

38 3. By renumbering as necessary.

Amendment H-1212 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?" (H.F. 614)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Drake of Pottawattamie in the chair at 10:47 a.m.

HOUSE FILE 465 WITHDRAWN

Dix of Butler asked and received unanimous consent to withdraw House File 465 from further consideration by the House.

House File 612, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies, was taken up for consideration.

SENATE FILE 270 SUBSTITUTED FOR HOUSE FILE 612

Jacobs of Polk asked and received unanimous consent to substitute Senate File 270 for House File 612.

Senate File 270, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies, was taken up for consideration.

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. 270)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson

Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, none.

Absent or not voting, 2:

Cphoon Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 612 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 612 from further consideration by the House.

Senate File 74, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered the following amendment H-1030 filed by the committee on commerce, regulation and labor and moved its adoption:

H-1030

- 1 Amend Senate File 74, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by striking the figure
- 4 "535D.1", and inserting the following: "547A.1".
- 5 2. Page 1, line 4, by inserting after the figure
- 6 "527.2" the following: ", and "insurer" means an
- 7 insurer organized under Title XIII, subtitle 1, or
- 8 similar laws of any other state or the United States".
- 9 3. Page 1, line 5, by striking the figure
- 10 "535D.2", and inserting the following: "547A.2".
- 11 4. Page 1, line 7, by inserting after the word
- 12 "institution" the following: "or insurer".
- 13 5. Page 1, line 9, by inserting after the word
- 14 "institution" the following: "or insurer".
- 15 6. Page 1, line 13, by inserting after the word
- 16 "institution" the following: "or insurer".
- 17 7. Page 1, line 16, by inserting after the word
- 18 "institution" the following: "or insurer".

- 19 8. Title page, by inserting after the word
20 "institutions" the following: "and insurers".

The committee amendment H-1030 was adopted.

Sands of Louisa offered the following amendment H-1031 filed by him and moved its adoption:

H-1031

- 1 Amend Senate File 74, as passed by the Senate, as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 "use." the following: "The state agency with
5 regulatory authority over the financial institution or
6 insurer may also bring an action to enjoin the
7 misleading or deceptive use prohibited in subsection
8 1."

Amendment H-1031 was adopted.

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. 74) .

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, none.

Absent or not voting, 2:

Cohoon Shoultz

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 File 614** and **Senate Files 74** and **270**.

Speaker Rants in the chair at 11:14 a.m.

House File 619, a bill for an act establishing a sex offender registry database task force within the department of administrative services, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1218 filed by Paulsen, et al., and moved its adoption:

H-1218

- 1 Amend House File 619 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 709.8, unnumbered paragraph 2,
- 5 Code 2005, is amended to read as follows:
- 6 Any person who violates a provision of this section
- 7 shall, upon conviction, be guilty of a class "D"
- 8 felony. ~~A person who violates a provision of this~~
- 9 ~~section and who is sentenced to a term of confinement~~
- 10 ~~shall also be sentenced to an additional term of~~
- 11 ~~parole or work release not to exceed two years. The~~
- 12 ~~board of parole shall determine whether the person~~
- 13 ~~should be released on parole or placed in a work~~

14 ~~release program. The sentence of an additional term~~
 15 ~~of parole or work release supervision shall commence~~
 16 ~~immediately upon the expiration of the preceding~~
 17 ~~sentence and shall be under the terms and conditions~~
 18 ~~as set out in chapter 906. Violations of parole or~~
 19 ~~work release shall be subject to the procedures set~~
 20 ~~out in chapter 905 or 908 or rules adopted under those~~
 21 ~~chapters. The sentence of an additional term of~~
 22 ~~parole or work release shall be consecutive to the~~
 23 ~~original term of confinement.~~

24 Sec. __. Section 901.5, Code 2005, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 13. In addition to any sentence
 27 or other penalty imposed against the defendant, the
 28 court shall sentence the defendant to an additional
 29 term of years if required under chapter 901A, or
 30 section 902.14 or 903.2A.

31 Sec. __. Section 901A.2, subsection 8, Code 2005,
 32 is amended to read as follows:

33 8. In addition to any other sentence imposed on a
 34 person convicted of a sexually predatory offense
 35 pursuant to subsection 1, 2, or 3, the person shall be
 36 sentenced to an additional indeterminate term of
 37 parole or work release years not to exceed two years.
 38 The board of parole shall determine whether the person
 39 should be released on parole or placed in a work
 40 release program. ~~The sentence of parole supervision~~
 41 ~~shall commence immediately upon the person's release~~
 42 ~~by the board of parole and shall be under the When a~~
 43 ~~person commences service of the additional term of~~
 44 ~~years, the person shall initially be released by the~~
 45 ~~board of parole subject to the terms and conditions as~~
 46 ~~set out in chapter 906. Violations of parole or work~~
 47 ~~release terms and conditions of release shall be~~
 48 ~~subject to the procedures set out in chapter 905 or~~
 49 ~~908 or rules adopted under those chapters. For~~
 50 ~~purposes of disposition of a parole violator upon~~

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1 ~~revocation of parole or work release, the sentence of~~
 2 ~~an additional term of parole or work release shall be~~
 3 ~~considered part of the original term of commitment to~~
 4 ~~the department of corrections.~~

5 Sec. __. NEW SECTION. 902.14 ADDITIONAL TERM OF
 6 YEARS - FELONIES.

7 A person who is convicted of a felony under chapter
 8 709, or under section 692A.7, 708.2A, 708.11, or
 9 726.2, and who is committed to the custody of the
 10 director of the department of corrections to serve a
 11 term of confinement shall also be sentenced to an
 12 additional indeterminate term of years not to exceed

13 two years. The board of parole shall determine
14 whether the person should be released on parole or
15 placed in a work release program. When a person
16 commences service of the additional term of years, the
17 person shall initially be released by the board of
18 parole subject to the terms and conditions set out in
19 chapter 906. Violations of the terms and conditions
20 of release shall be subject to the procedures set out
21 in chapter 905 or 908 or rules adopted under those
22 chapters. The sentence of an additional term of years
23 shall be consecutive to the original term of
24 confinement.

25 Sec. . NEW SECTION. 903.2A ADDITIONAL TERM OF
26 YEARS - MISDEMEANORS.

27 A person who is convicted of an aggravated
28 misdemeanor under chapter 709, or section 692A.7 or
29 708.11, and who is committed to the custody of the
30 director of the department of corrections to serve a
31 term of confinement shall also be sentenced to an
32 additional indeterminate term of years not to exceed
33 two years. The board of parole shall determine
34 whether the person should be released on parole or
35 placed in a work release program. When a person
36 commences service of the additional term of years, the
37 person shall initially be released by the board of
38 parole subject to the terms and conditions set out in
39 chapter 906. Violations of the terms and conditions
40 of release shall be subject to the procedures set out
41 in chapter 905 or 908 or rules adopted under those
42 chapters. The sentence of an additional term of years
43 shall be consecutive to the original term of
44 confinement.

45 Sec. . Section 906.15, unnumbered paragraph 1,
46 Code 2005, is amended to read as follows:

47 Unless sooner discharged, a person released on
48 parole shall be discharged when the person's term of
49 parole equals the period of imprisonment specified in
50 the person's sentence, less all time served in

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1 confinement. Discharge from parole may be granted
2 prior to such time, when an early discharge is
3 appropriate. The board shall periodically review all
4 paroles, and when the board determines that any person
5 on parole is able and willing to fulfill the
6 obligations of a law-abiding citizen without further
7 supervision, the board shall discharge the person from
8 parole. A parole officer shall periodically review
9 all paroles assigned to the parole officer, and when
10 the parole officer determines that any person assigned
11 to the officer is able and willing to fulfill the

12 obligations of a law-abiding citizen without further
13 supervision, the officer may discharge the person from
14 parole after notification and approval of the district
15 director and notification of the board of parole. In
16 any event, discharge from parole shall terminate the
17 person's sentence. If a person has been sentenced to
18 an additional term of years under chapter 901A, or
19 section 902.14 or 903.2A, the person may be discharged
20 from the term in the same manner as a person on
21 parole. However, a person convicted of a violation of
22 section 709.3, 709.4, or 709.8 committed on or with a
23 child, or a person serving a sentence under section
24 902.12, shall not be discharged from parole until the
25 person's term of parole equals the period of
26 imprisonment specified in the person's sentence, less
27 all time served in confinement.

28 Sec. __. **NEW SECTION. 906.19 APPLICABILITY OF**
29 **ADDITIONAL TERM OF YEARS.**

30 Notwithstanding chapter 901A, or section 902.14 or
31 903.2A, if a person is paroled prior to the expiration
32 of the person's term and prior to the commencement of
33 the additional term of years, the person shall not
34 serve the additional term of years.

35 Sec. __. **ADDITIONAL TERM OF YEARS – REPORT.** The

36 department of corrections and the eight judicial
37 district departments of correctional services, in
38 cooperation with the division of criminal and juvenile
39 justice planning of the department of human rights,
40 the state public defender, and the office of the
41 prosecuting attorneys training coordinator in the
42 department of justice, shall compile and provide a
43 report regarding offenders serving an additional term
44 of years, to the general assembly, cochairpersons and
45 ranking members of the joint appropriations
46 subcommittee on the justice system, and the
47 legislative services agency on or before January 15,
48 2007. The report shall include the actual number of
49 offenders sentenced to serve an additional term of
50 years from July 1, 2006, through December 31, 2006, in

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1 each judicial district, including each offender's race
2 and gender. The report shall also include the
3 anticipated number of offenders who will be serving an
4 additional term of years in each judicial district in
5 the fiscal year beginning July 1, 2006, and ending
6 June 30, 2007, and the fiscal year beginning July 1,
7 2007, and ending June 30, 2008. The report shall
8 detail the number of probation and parole officers and
9 staff needed to supervise offenders serving an
10 additional term of years and the capacity to supervise

11 such offenders in each judicial district. The report
12 shall detail actual expenditures related to
13 supervising offenders serving an additional term of
14 years for the fiscal year beginning July 1, 2006, and
15 ending June 30, 2007, and the revenue source and
16 budgeted expenditures for the fiscal year beginning
17 July 1, 2007, and ending June 30, 2008. The report
18 shall include any quantitative measures analyzing
19 persons serving an additional term of years."
20 2. Title page, by striking lines 1 and 2 and
21 inserting the following: "An Act relating to persons
22 convicted of criminal offenses requiring registration
23 on the sex offender registry or requiring an
24 additional indeterminate sentence, establishing a sex
25 offender registry database task force, and providing
26 penalties."

Amendment H-1218 was adopted.

Paulsen of Linn offered amendment H-1219 filed by Paulsen, et al., as follows:

H-1219

1 Amend House File 619 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 13.10, subsection 1, Code
5 2005, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. h. Any other offense that requires
8 a person to register under chapter 692A.
9 Sec. __. Section 692A.2, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 1A. If a person violates any of
12 the requirements of section 692A.4, the person shall
13 register for an additional ten years beginning from
14 the date the first registration period ends as
15 calculated under this section.
16 Sec. __. Section 692A.4, Code 2005, is amended to
17 read as follows:
18 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
19 PHOTOGRAPH.
20 1. The address of a person required to register
21 under this chapter shall be verified annually as
22 follows:
23 a. On a date which falls within the month in which
24 the person was initially required to register, the
25 department shall mail a verification form to the last
26 reported address of the person. Verification forms
27 shall not be forwarded to the person who is required

28 to register under this chapter if the person no longer
29 resides at the address, but shall be returned to the
30 department.

31 b. The person shall complete and mail the
32 verification to the department within ten days of
33 receipt of the form.

34 c. The verification form shall be signed by the
35 person, and state the address at which the person
36 resides. If the person is in the process of changing
37 residences, the person shall state that fact as well
38 as the old and new addresses or places of residence.

39 2. Verification of address for a person who has
40 been convicted of an offense under the laws of this
41 state or of another state which would qualify the
42 person as a sexually violent predator shall be
43 accomplished in the same manner as in subsection 1,
44 except that the verification shall be done every three
45 months at times established by the department.

46 3. A photograph of a person required to register
47 under this chapter shall be updated annually. When
48 the department mails the address verification form in
49 subsection 1, the department shall also enclose a form
50 informing the person to annually submit to being

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1 photographed by the sheriff of the county of the
2 person's residence within ten days of receipt of the
3 address verification form. The sheriff shall send the
4 current photograph to the department within ten days
5 of the photograph being taken and the department shall
6 post the current photograph on the sex offender
7 registry's web page.

8 Sec. ___. Section 692A.5, subsection 1, Code 2005,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. i. Inform the person that the
11 person must annually submit to being photographed by
12 the sheriff of the county of the person's residence.

13 Sec. ___. Section 692A.13, subsection 5, Code
14 2005, is amended to read as follows:

15 5. Relevant information provided to the general
16 public may include the offender's name, address, a
17 photograph, locations frequented by the offender,
18 relevant criminal history information from the
19 registry, and any other relevant information.
20 Relevant information provided to the public shall not
21 include the identity of any victim. The general
22 public may post any relevant information at public
23 institutions including but not limited to a school,
24 post office, or library.

25 Sec. ___. Section 903A.2, subsection 1, paragraph
26 a, Code 2005, is amended to read as follows:

27 a. Category "A" sentences are those sentences
 28 which are not subject to a maximum accumulation of
 29 earned time of fifteen percent of the total sentence
 30 of confinement under section 902.12. To the extent
 31 provided in subsection 5, category "A" sentences also
 32 include life sentences imposed under section 902.1.
 33 An inmate of an institution under the control of the
 34 department of corrections who is serving a category
 35 "A" sentence is eligible for a reduction of sentence
 36 equal to one and two-tenths days for each day the
 37 inmate demonstrates good conduct and satisfactorily
 38 participates in any program or placement status
 39 identified by the director to earn the reduction. The
 40 programs include but are not limited to the following:
 41 (1) Employment in the institution.
 42 (2) Iowa state industries.
 43 (3) An employment program established by the
 44 director.
 45 (4) A treatment program established by the
 46 director.
 47 (5) An inmate educational program approved by the
 48 director.
 49 However, an inmate required to participate in a sex
 50 offender treatment program shall not be eligible for a

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1 reduction of sentence unless the inmate participates
 2 in and completes a sex offender treatment program
 3 established by the director.

4 An inmate serving a category "A" sentence is
 5 eligible for an additional reduction of sentence of up
 6 to three hundred sixty-five days of the full term of
 7 the sentence of the inmate for exemplary acts. In
 8 accordance with section 903A.4, the director shall by
 9 policy identify what constitutes an exemplary act that
 10 may warrant an additional reduction of sentence."

Paulsen of Linn offered the following amendment H-1228, to amendment H-1219, filed by him from the floor and moved its adoption:

H-1228

1 Amend the amendment, H-1219, to House File 619 as
 2 follows:

- 3 1. Page 1, line 47, by inserting after the word
- 4 "updated" the following: ", at a minimum,".
- 5 2. Page 1, line 48, by striking the word "form"
- 6 and inserting the following: "notice".
- 7 3. Page 2, line 4, by striking the word "current"

- 8 and inserting the following: "updated".
9 4. Page 2, line 6, by striking the word "current"
10 and inserting the following: "updated".
11 5. Page 2, line 7, by inserting after the word
12 "page." the following: "The sheriff may require the
13 person to submit to being photographed by the sheriff
14 more than once a year by mailing another notice
15 informing the person to submit to being photographed."
16 6. Page 2, line 11, by inserting after the word
17 "must" the following: ", at a minimum,".

Amendment H-1228 was adopted.

Paulsen of Linn offered the following amendment H-1226, to amendment H-1219, filed by him from the floor and moved its adoption:

H-1226

- 1 Amend the amendment, H-1219, to House File 619 as
2 follows:
3 1. Page 2, line 24, by inserting after the word
4 "library" the following: ", subject to local
5 ordinances or policies adopted by those public
6 institutions".

Amendment H-1226 was adopted.

The House stood at ease at 12:03 p.m., until the fall of the gavel.

The House resumed session at 1:06 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-nine members present, twenty-one absent.

On motion by Paulsen of Linn amendment H-1219, as amended, was adopted.

Greiner of Washington offered amendment H-1220 filed by Greiner, et al., as follows:

H-1220

- 1 Amend House File 619 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 692A.4A ELECTRONIC
- 5 MONITORING.
- 6 A person required to register under this chapter
- 7 who is placed on probation, parole, work release, or
- 8 any other type of conditional release shall be
- 9 supervised by an electronic tracking and monitoring
- 10 system in addition to any other conditions of
- 11 supervision."
- 12 2. By renumbering as necessary.

Paulsen of Linn offered the following amendment H-1227, to amendment H-1220, filed by him from the floor and moved its adoption:

H-1227

- 1 Amend the amendment, H-1220, to House File 619 as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "release" the following: ", or serving an additional
- 5 term of years under chapter 901A or section 902.14 or
- 6 903.2A,".

Amendment H-1227 was adopted.

Drake of Pottawattamie in the chair at 1:20 p.m.

On motion by Greiner of Washington, amendment H-1220, as amended, was adopted.

J.R. Van Fossen of Scott offered amendment H-1221 filed by Speaker Rants as follows:

H-1221

- 1 Amend House File 619 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 692A.2B RESTRICTIONS ON
- 5 RESIDENCY NEAR CHILD CARE FACILITIES OR SCHOOLS.
- 6 1. For purposes of this section, "person" means a
- 7 person who is required to register under this chapter.
- 8 2. A person shall not reside within one thousand

9 feet of the real property comprising a public or
10 nonpublic elementary or secondary school or a child
11 care facility.

12 3. A person who resides within one thousand feet
13 of the real property comprising a public or nonpublic
14 elementary or secondary school, or a child care
15 facility, commits an aggravated misdemeanor.

16 4. A person residing within one thousand feet of
17 the real property comprising a public or nonpublic
18 elementary or secondary school or a child care
19 facility does not commit a violation of this section
20 if any of the following apply:

21 a. The person is required to serve a sentence at a
22 jail, prison, juvenile facility, or other correctional
23 institution or facility.

24 b. The person is subject to an order of commitment
25 under chapter 229A.

26 c. The person has established a residence prior to
27 July 1, 2005, or a school or child care facility is
28 newly located on or after July 1, 2005.

29 d. The person is a minor or a ward under a
30 guardianship.

31 Sec. ___. Section 692A.5, subsection 1, paragraph
32 h, Code 2005, is amended to read as follows:

33 h. Inform the person, if the person's residency is
34 restricted under section 692A.2A, that the person
35 shall not reside within two thousand feet of the real
36 property comprising a public or nonpublic elementary
37 or secondary school, or a child care facility. After
38 June 30, 2005, inform the person, if the person's
39 residency is restricted under section 692A.2B, that
40 the person shall not reside within one thousand feet
41 of the real property comprising a public or nonpublic
42 elementary or secondary school, or a child care
43 facility."

44 2. By renumbering as necessary.

Speaker Rants in the chair at 1:31 p.m.

T. Taylor of Linn offered the following amendment H-1232, to
amendment H-1221, filed by him from the floor and moved its
adoption:

H-1232

1 Amend the amendment, H-1221, to House File 619 as
2 follows:

3 1. Page 1, by inserting before line 4 the
4 following:

5 ""Sec. ___. Section 692A.1, subsection 8, Code

6 2005, is amended to read as follows:

7 8. "Residence" means the place where a person
8 sleeps, which may include more than one location, and
9 may be mobile or transitory including a shelter or
10 group home."

Amendment H-1232 was adopted.

On motion by J.R. Van Fossen of Scott, amendment H-1221, as amended, was deferred.

Jacobs of Polk asked and received unanimous consent that House File 619 be deferred and that the bill retain its place on the calendar. (Amendment H-1221, as amended, pending)

House File 610, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties, was taken up for consideration.

Dix of Butler offered the following amendment H-1167 filed by him and Petersen of Polk and moved its adoption:

H-1167

1 Amend House File 610 as follows:

2 1. Page 4, line 2, by striking the words
3 "SOLICITATIONS FOR" and inserting the following: "SALE
4 OR OFFER FOR DIRECT SALE.OF".

5 2. Page 4, by striking lines 4 through 7, and
6 inserting the following:

7 "1. The retail sale or offer of direct retail sale
8 of a prescription drug, as defined in section 155A.3,
9 through the use of electronic mail or the internet by
10 a person other than a licensed pharmacist, physician,
11 dentist, optometrist, podiatric physician, or
12 veterinarian, is prohibited. A person who violates
13 this subsection is".

14 3. Title page, line 3, by striking the words
15 "solicitation of the purchase" and inserting the
16 following: "sale or offer for direct sale".

Amendment H-1167 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?" (H.F. 610)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Kurtenbach

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 610** be immediately messaged to the Senate.

House File 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions, was taken up for consideration.

Tomenga 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. 748)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SPECIAL PRESENTATION

The House Memorial Choir sang 'The Star-Spangled Banner' and 'My Country 'Tis of Thee' before the House in honor of the Pioneer Lawmakers Joint Convention.

The House rose and expressed its appreciation.

COMMITTEE TO NOTIFY THE SENATE

Greiner of Washington moved that a committee of four be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee, Greiner of Washington, Alons of Sioux, Mascher of Johnson and Mertz of Kossuth.

Greiner of Washington, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

JOINT CONVENTION
PIONEER LAWMAKERS'
FIFTY-EIGHTH BIENNIAL SESSION

In accordance with House Concurrent Resolution 4 duly adopted, the joint convention was called to order, President Kibbie presiding.

President Kibbie announced a quorum present and the joint convention duly organized.

Iverson of Wright moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Connolly of Dubuque, Zieman of Allamakee, Tinsman of Scott and Rielly of Mahaska, on the part of the Senate, and Greiner of Washington, Alons of Sioux, Mascher of Johnson and Mertz of Kossuth on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented Senator Dvorsky, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented Representative Christopher Rants, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Don Shoultz, member of the House who responded to the welcome.

The Honorable Don Shoultz announced the 1985 class of legislators who were eligible to become members of the Pioneer Lawmakers.

Honorary members of the 2005 class were the following:

Donald G. Hauser, Michael Heller, Kay Henderson, Bernie Koebernick, David Smitherman, Todd Schulz and Dawn Vance.

Representative Don Shoultz introduced Steven Rapp, Senior Prosecutor for the United Nations at the International Criminal Tribunal for Rwanda, who addressed the joint convention as follows:

Mr. President, Mr. Speaker, colleagues, and friends.

You know that you have truly become an old-timer when you attend one of these biennial meetings and find that there are pioneer lawmakers who were first elected after you left office.

I see some of my fellow old-timers from the class of '73', from that year when a majority of legislators were new and many were young.

When we arrived the handful of veterans in these halls did not know what to expect. Three of us new Democrats, Tom Higgins, Mary O'Halloran, and myself, had originally been assigned to the full Appropriations Committee. But somebody in the leadership of the Republican majority feared that we would use our positions to push radical ideas, and we were re-assigned to the County Government Committee. This for me turned out to be a blessing in disguise-but at the time it was very well-disguised.

Being on County Government involved early morning meetings with our older rural colleagues, many of whom had already been up for hours. But there was no shortage of bills-stacks of them, most from the associations of counties and county officeholders. Soon I was working on the bills in subcommittee, trying to make constructive changes.

Not that I gave up on radical ideas. I made it my cause to push for the adoption of the three-factor formula for the corporate income tax—a bill that I was to discover had probably less chance of passage than the repeal of the right-to-work law.

But on County Government, I continued to work and by March I had a chance as minority member to manage a bill on the floor, House File 175, to raise the \$.70 meal allowance paid to sheriffs for the feeding of prisoners in small county jails. But my Republican colleagues knew what they were doing. It was not a "Non-Con." Indeed, when it reached the floor we heard that it would enrich sheriff's wives, while starving the prisoners. I discovered that I had been sent out into the battle between the rural and the urban, between Mom and Pop and the bureaucrats, and I was not on the expected side. In the end we worked out a compromise that was signed into law in May. It ended the possibility of profit, kept the sheriffs happy, and assured the prisoners their three squares a day.

Toward the end of that long session, I made the mistake of playing touch football, after doing nothing more strenuous for five months than lifting the Iowa Code. The result was announced in the House Chamber by David Stanley as a "3-factor fracture." After the ankle was pinned and I was wheeled out of the recovery room, I was pleased that my first visitors were my colleagues from the other party on the County Government Committee.

I do not want to give you the impression that I got along with all of my Republican colleagues. That first year I do not remember ever exchanging a greeting with Grumpy Fisher. However, in the second year, we teamed together to support no-fault automobile insurance. I recall the day when we defeated a killer amendment on a cliff-hanging vote that ended with a count of 49 to 48. Grumpy and I literally danced a jig in the back of chamber. Of course, then as now, it took more than 49 votes to pass a bill and even together we could not get there.

I discovered as well that it was possible to have good relations not just with sometime allies on the other side, but also with dedicated adversaries. In 1974, Chuck Grassley and I ran for the same Congressional seat, both in crowded primary fields. I remember sitting together on that back bench discussing how we could manage to win on shoestring budgets against better financed opponents. I recall one evening when we decided to save money by riding together to a joint event up by the Minnesota line. In the interest of cost-savings, we even let Jim Flansburg of the Register come along on the ride.

As you know, for the last four years I have been working in a very different arena. There I confront persons who were leaders of a state-the Republic of Rwanda. It is a state in which 800,000 men, women and children were butchered in 14 weeks from April to July in 1994. An average 8000 were killed each day-the equivalent of three World Trade Centers a day in a place one-fifth the size of Iowa. The murders were committed at a rate greater than that of the Nazi death machine at its most efficient.

We have 69 of these former leaders in custody. They were arrested in 26 countries, and brought to Arusha in Tanzania to stand trial, before a court constituted by the UN Security Council and finance by 191 nations, on indictments charging genocide and crimes against humanity.

There is a tendency in the West to see the Rwanda genocide as an episode of spontaneous violence in a primitive society. That is not true. Rwanda is certainly poor, but it is one of the most comprehensively administered societies in the world. The leaders who sit in the UN Detention Facility in Arusha are persons of education, who studied in Europe or in North America, and who held key positions in government, in politics, in business, in the media, in academia, in the military, and in the Church, both Catholic and protestant.

There is also a tendency to see the Rwanda genocide as something that could only happen in Africa. That is not true. We have only to remember the contemporaneous mass murders in the former Yugoslavia, and the genocide of the Jews and the extermination and enslavement of other national groups-crimes committed in living memory by persons with whom many of us share a common heritage.

In the trial of the Media leaders, I looked across each day and eventually cross-examined Professor Ferdinand Nahimana, a man who for a while had pursued an academic career in African history that one of his lawyers had compared to that of my wife Dolly. Now I often spend weeks dealing one-on-one with individuals who have confessed to their part in the genocide and who we hope, after submitting to the justice system themselves, will be witnesses against their former colleagues. Some were successful business men, persons devoted to their families, but who took the leadership in creating and financing the national youth group that became the killing corps of the genocide.

What motivated such individuals to become the organizers of mass murder?

There was first the sense that they were the victims. For decades, some say centuries, the minority Tutsis had dominated, and the majority Hutus had been oppressed. When the Hutus gained dominance at the time of independence in the early 1960's, forcing hundreds of thousands of Tutsis to flee, there was a fear that if the Tutsis were allowed even a share of power they would soon dominate again, and reduce the Hutus to slavery. This fear was greatest among those who had the most to lose. But they used it with great effect to rekindle the enmity between ordinary Hutus and Tutsis who in many cases had intermarried and built business and personal relations across the ethnic divide.

There was no hope that disputes would be decided fairly. Only power mattered. A small group of Hutus from the north held the political power, and their associates had been allowed to gain economic advantages, and amass great wealth. When that was

criticized they sent their supporters to violently attack their opponents, with no expectation that they would be punished for their conduct.

Those whose positions were threatened built support by demonizing the Tutsi minority group. In this they were aided by the fact that the country was at war with a rebel force that was dominated by the children of the Tutsi refugees that had fled in the 1960's. They diverted attention from the fact that one small group of Hutus had all the power and wealth, by calling on all Hutus to unite against the eternal enemy the Tutsis. Those Hutus who would ally themselves with the Tutsis were the worst, and in the genocide were the first victims, because they were traitors to their own kind.

There was a willingness to use any means. The unemployed youth were recruited, and armed, and trained and eventually unleashed. They were the most avid killers, but they were only part of the killing force. There was the military, the national police, the local administration, but also hundreds of thousands of ordinary civilians who took their place on barriers that each few yards crossed every street and highway, and enlisted in night patrols, identifying and flushing out their Tutsi neighbors and sometimes joining in their slaughter. As they did they listened to the propaganda. It praised them for working, as killing was known during the genocide. It told them that the work was necessary because the Tutsis had dug a grave for the Hutus, they must fill it with the Tutsis or the Hutus themselves would be the victims. It mocked and dehumanized the Tutsis, as cockroaches, and snakes, and in an overwhelming Christian country it was even said that the Virgin Mary has appeared to say that the Tutsis deserve their fate. It put people in fear that if they opposed the killing, even if they did not at least appear to participate, that they themselves would be targeted, the names of themselves and their families read on the radio to the hearing of thousands of machete-wielding killers who would be awaiting their arrival at the roadblocks.

It is a long way from Iowa to Rwanda. But both the killers and the victims were humans like we are. Close up one can see that even the killers were motivated by similar desires for security for themselves and their families and were intensely fearful of anything that could take it away. They made choices. As humans we all make choices, whether to seek common ground, or sow division; whether to build or to tear down; whether to settle disputes by peaceful means or by violence; whether to do good, or to do evil.

Thinking of these choices I am reminded of the lessons taught and the lessons learned here in the halls of this Iowa Legislature. One learned that the winner who takes all will likely lose all on another day, that the best solutions often involve compromise, that an adversary today can be an ally tomorrow. One learned as well that differences are often superficial, that persons of widely different backgrounds can find common elements in their experiences, and that even adversaries can be just as well-motivated as oneself and can sometimes even have it right. Of course, one also came to know that even as one writes the law, there are rules that cannot be changed, and lines that cannot be crossed, the violation of which will earn the disapproval of friend and foe alike.

Of course we were not in civil war in 1973, or in 2005. But in our history we have had groups victimized, we have had regional conflict that took generations to heal, we have had social tensions that erupted into violence. We have learned that the best answer lies in institutions like this one, where conflicts are fought with words, where

interests are balanced, where resolutions are reached that we may not like but that we can accept.

Seeing what can happen in the world, underlines not just necessity of this process, but also of its fragility. Preserving it requires us to each day make the choice not to cross the line, not to make adversaries into enemies, not to demonize the opposition, and while pushing hard for what one knows is right, to remember that each has his or her own view of what is right that is entitled to our understanding and respect.

Gipp of Winneshiek moved that the joint session dissolve at 2:49 p.m.

The House resumed session at 3:10 p.m., Speaker Rants in the chair.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 748** be immediately messaged to the Senate.

Regular Calendar

House File 797, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts, was taken up for consideration.

Wilderdyke of Harrison offered the following amendment H-1098 filed by him and moved its adoption:

H-1098

- 1 Amend House File 797 as follows:
- 2 1. Page 1, line 12, by striking the words
- 3 "located in".

Amendment H-1098 was adopted.

Wilderdyke of Harrison offered the following amendment H-1115 filed by him and moved its adoption:

H-1115

- 1 Amend House File 797 as follows:
- 2 1. Page 1, by striking lines 18 through 20 and
- 3 inserting the following: "districts, as established

- 4 in 2005 Iowa Acts, if enacted. Methods used to
 5 maximize the visibility and visitation of such
 6 locations may include the use of tourism literature,
 7 signage on highways, maps of the state and cities, and
 8 internet websites. For".

Amendment H-1115 was adopted.

Wilderdyke of Harrison 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. 797)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 34 WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw House File 34 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 797 be immediately messaged to the Senate.

The House resumed consideration of House File 619, a bill for an act establishing a sex offender registry database task force within the department of administrative services, previously deferred. (Amendment H-1221, as amended, found on page 945 of the House Journal, pending.)

Davitt of Warren offered the following amendment H-1237, to amendment H-1221, filed by him from the floor and moved its adoption:

H-1237

1 Amend the amendment, H-1221, to House File 619 as
2 follows:

3 1. Page 1, by inserting after line 43 the
4 following:

5 "Sec. __. Section 692A.13, Code 2005, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 5A. The department, on an annual
8 basis, shall publish all the names and addresses of
9 the registered sex offenders in each county in a
10 newspaper of general circulation in the county. The
11 department, on a monthly basis, shall also publish any
12 new additions to the sex offender registry for each
13 county in a newspaper of general circulation in the
14 county. Notwithstanding section 618.10, the costs for
15 publication shall be submitted to the treasurer of
16 state and shall be paid by the treasurer of state from
17 the general fund of the state, otherwise publication
18 shall be pursuant to chapter 618. The treasurer of
19 state, in consultation with the department, shall
20 adopt rules in accordance with chapter 17A to
21 implement this subsection."

Amendment H-1237 was adopted.

On motion by J.R. Van Fossen of Scott, amendment H-1221, as amended, was adopted.

Hutter of Scott offered the following amendment H-1191 filed by Hutter, et al., and moved its adoption:

H-1191

- 1 Amend House File 619 as follows:
- 2 1. Page 2, line 9, by striking the words "and the
- 3 general assembly by July 1, 2006" and inserting the
- 4 following: ", judicial branch, and the general
- 5 assembly by December 30, 2005".

Amendment H-1191 was adopted.

Hutter of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 619)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bükta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Wessel-Kroeschell Whitaker
Winckler Wise

Whitead
Zirkelbach

Wilderdyke
Mr. Speaker
Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 442 WITHDRAWN

Hutter of Scott asked and received unanimous consent to withdraw House File 442 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 619** be immediately messaged to the Senate.

Appropriations Calendar

House File 816, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents, was taken up for consideration.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 5:18 p.m., Speaker Rants in the chair.

Miller of Webster asked and received unanimous consent to defer on amendment H-1217.

Alons of Sioux offered the amendment H-1173 filed by Alons, et al., as follows:

H-1173

- 1 Amend House File 816 as follows:
- 2 1. Page 3, by inserting after line 16 the

3 following:

4 "An entity that receives grant funds from the
 5 department of cultural affairs shall not display
 6 before the general public any art or cultural-related
 7 project that contains obscene material, as defined in
 8 section 728.1, unless the entity has in place a plan
 9 to warn patrons that the project contains material
 10 that is adult in nature and is inappropriate for
 11 persons under the age of 18, to display the project in
 12 an area set aside for viewing by persons age 18 or
 13 over, or to take precautions to prevent children under
 14 the age of 18 from viewing the project."

Murphy of Dubuque rose on a point of order that amendment H-1173 was not germane.

The Speaker ruled the point well taken and amendment H-1173 not germane.

Oldson of Polk offered the following amendment H-1213 filed by Oldson, et al., and moved its adoption:

H-1213

1 Amend House File 816 as follows:

2 1. Page 8, by striking line 25 and inserting the
 3 following:
 4\$ 42,681,594"

5 2. Page 8, line 28, by striking the figure
 6 "300,000" and inserting the following: "500,000".

7 3. Page 10, by inserting after line 17 the
 8 following:

9 "g. Of the amount appropriated in this subsection
 10 for deposit in the school ready children grants
 11 account of the Iowa empowerment fund that is used for
 12 distribution to areas, \$20,000,000 shall be used by
 13 the Iowa empowerment board to provide funding,
 14 support, and technical assistance to expand programs
 15 directed to children from birth through age five."

16 4. By renumbering, redesignating, and correcting
 17 internal references as necessary.

Roberts of Carroll in the chair at 5:32 p.m.

Roll call was requested by Kuhn of Floyd and Reasoner of Union.

On the question "Shall amendment H-1213 be adopted?" (H.F. 816)

The ayes were, 49:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Roberts, Presiding	

Absent or not voting, none.

Amendment H-1213 lost.

Wendt of Woodbury offered the following amendment H-1215 filed by Wendt, et al., and moved its adoption:

H-1215

1 Amend House File 816 as follows:

2 1. Page 10, by striking line 29 and inserting the
3 following:

4 ".....\$ 92,683,894"

5 2. By striking page 12, line 4, through page 13,
6 line 21.

7 3. Page 29, lines 34 and 35, by striking the
8 words "one hundred fifty eighty-five" and insertig
9 the following: "six hundred fifty".

- 10 4. By striking page 30, line 18, through page 31,
 11 line 3.
 12 5. By renumbering, redesignating, and correcting
 13 internal references as necessary.

Roll call was requested by Reasoner of Union and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1215 be adopted?" (H.F. 816)

The ayes were, 49:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdye	Roberts, Presiding		

Absent or not voting, 1:

Struyk

Amendment H-1215 lost.

Frevert of Palo Alto offered the following amendment H-1214 filed by her and moved its adoption:

H-1214

1 Amend House File 816 as follows:

2 1. By striking page 10, line 33 through page 11,
3 line 15, and inserting the following:

4 "..... \$147,579,244

5 The funds appropriated in this subsection shall be
6 allocated as follows:

- 7 a. Merged Area I..... \$ 7,124,315
- 8 b. Merged Area II..... \$ 8,258,602
- 9 c. Merged Area III..... \$ 7,650,479
- 10 d. Merged Area IV..... \$ 3,746,521
- 11 e. Merged Area V..... \$ 7,926,341
- 12 f. Merged Area VI..... \$ 7,261,075
- 13 g. Merged Area VII..... \$ 10,560,846
- 14 h. Merged Area IX..... \$ 13,005,054
- 15 i. Merged Area X..... \$ 20,603,300
- 16 j. Merged Area XI..... \$ 21,745,905
- 17 k. Merged Area XII..... \$ 8,535,410
- 18 l. Merged Area XIII..... \$ 8,754,676
- 19 m. Merged Area XIV..... \$ 3,791,821
- 20 n. Merged Area XV..... \$ 11,924,610
- 21 o. Merged Area XVI..... \$ 6,690,289

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall amendment H-1214 be adopted?" (H.F. 816)

The ayes were, 49:

- | | | | |
|------------|----------|------------|-------------------|
| Bell | Berry | Bukta | Cohoon |
| Dandekar | Davitt | Fallon | Foege |
| Ford | Frevert | Gaskill | Heddens |
| Hogg | Hunter | Huser | Jacoby |
| Jochum | Kressig | Kuhn | Lensing |
| Lykam | Mascher | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, R. | Petersen | Pettengill | Quirk |
| Reasoner | Reichert | Schueller | Shomshor |
| Shoultz | Smith | Swaim | Taylor, D. |
| Taylor, T. | Thomas | Wendt | Wessel-Kroeschell |

Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdike	Roberts, Presiding	

Absent or not voting, none.

Amendment H-1214 lost.

Wessel-Kroeschell of Story offered the following amendment H-1216 filed by Wessel-Kroeschell, et al., and moved its adoption:

H-1216

- 1 Amend House File 816 as follows:
- 2 1. Page 14, by striking line 33 and inserting the
- 3 following:
- 4 ".....\$ 20,000,000"

Roll call was requested by Reasoner of Union and Oldson of Polk:

On the question "Shall amendment H-1216 be adopted?" (H.F. 816)

The ayes were, 49:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk

Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Roberts, Presiding	

Absent or not voting, none.

Amendment H-1216 lost.

Gipp of Winneshiek asked and received unanimous consent that House File 816 be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 6:47 p.m., until conclusion of the Memorial Service.

**MEMORIAL SERVICE
EIGHTY-FIRST GENERAL ASSEMBLY
HOUSE CHAMBER
WEDNESDAY, MARCH 30, 2005**

PROGRAM

Representative Sandra H. Greiner, Presiding

Prelude	A Capella Ensemble
"The Star-Spangled Banner"	Francis Scott Key
"My Country, 'Tis of Thee"	Samuel F. Smith
	Memorial Choir

Invocation Representative Sandra H. Greiner

MEMORIALS

Readers: Senator Angelo, Senator Putney

- | | |
|-------------------|------------------|
| Hon. Ashcraft (S) | Hon. Reno (S) |
| Hon. Davis (S) | Hon. Rhodes (S) |
| Hon. Hill (S) | Hon. Shaff (S) |
| Hon. Peterson (S) | Hon. Shirley (S) |

“In This Very Room” Ron and Carol Harris
Memorial Choir

MEMORIALS

Readers: Senator Johnson, Senator Connolly,
Representative Maddox, Senator Fraise

- | | |
|----------------------|-----------------|
| Hon. Bergman (H&S) | Hon. Beck (H) |
| Hon. Lura (H&S) | Hon. Brinck (H) |
| Hon. Nystrom (H&S) | Hon. Davis (H) |
| Hon. Reichardt (H&S) | Hon. Fisher (H) |

“Be Thou My Vision” Alice Parker
Joni Carroll and Curtis Carroll

MEMORIALS

Readers: Representative Dolecheck, Representative Wendt,
Representative Upmeyer, Representative Greiner,
Representative Jenkins

- | | | |
|------------------|----------------------|---------------------|
| Hon. Gross (H) | Hon. Owen (H) | Hon. Stromer (H) |
| Hon. Johnson (H) | Hon. Robinson (H) | Hon. Swearingen (H) |
| Hon. Moffitt (H) | Hon. Scheelhaase (H) | Hon. Uban (H) |
| Hon. Monroe (H) | Hon. Scherle (H) | Hon. Wyckoff (H) |

“The God of Hope Be With You” Ken Bible and Tom Fettke
A Capella Ensemble

*Senate — (S) and House — (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable Forrest F. Ashcraft (Scott County): 67th, 67thX (1977-1978)

Honorable Wilson L. Davis (Lee County): 2nd half of 63rd, 64th (1970-1972)

Honorable Eugene M. Hill (Jasper County): 58th, 59th, 60th, 60thX, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX (1959-1978)

Honorable John A. Peterson (Monroe County): 2nd half of 71st, 72nd, 72ndX, 72ndXX, 73rd, 74th, 74thX, 74thXX (1986-1992)

Honorable Max E. Reno (Van Buren County): 61st, 62nd (1965-1968)

Honorable John C. Rhodes (Lucas County): 64th (1971-1972)

Honorable Roger J. Shaff (Clinton County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX (1967-1978)

Honorable Edwin Alan Shirley (Dallas County): 61st, 62nd, 63rd (1965-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES AND THE SENATE

Honorable Irvin L. Bergman (Osceola County): House – 62nd, 63rd, 64th (1967-1972); Senate – 65th, 66th, 67th, 67thX, 68th (1973-1980)

Honorable Michael R. “Mick” Lura (Marshall County): House – 68th (1979-1980); Senate – 69th, 69thX, 69thXX, 1st half of 70th (1981-1983)

Honorable John N. “Jack” Nystrom (Boone County): House – 64th (1971-1972); Senate – 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, 73rd, first half of 74th (1973-1991)

Honorable William J. “Bill” Reichardt (Polk County): House – 61st (1965-1966); Senate – 62nd, 63rd (1967-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Robert K. Beck (Appanoose County): 55th (1953-1954)

Honorable Adrian B. Brinck (Lee County): 58th, 61st, 63rd, 65th (1959-1960, 1965-1966, 1969-1970, 1973-1974)

Honorable Galen M. Davis (Wapello County): 78th (1999-2000)

Honorable C. Raymond Fisher (Greene County): 58th, 59th, 60th, 60thX, 61st, 62nd, 63rd, 64th, 65th (1959-1974)

Honorable L.W. Joe Gross (Ringgold County): 69th, 69thX, 69thXX (1981-1982)

Honorable Carroll Johnson (Marion County): 48th, 49th, 50th, 50thX (1939-1944)

Honorable Delmont T. Moffitt (Appanoose County): 59th, 60th, 60thX, 62nd, 64th (1961-1964, 1967-1968, 1971-1972)

IN MEMORIAM

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable William R. "Bill" Monroe, Jr. (Des Moines County): 64th, 65th, 66th, 67th, 67thX (1971-1978)

Honorable Kenneth E. Owen (Appanoose County): 56th, 57th, 58th (1955-1960)

Honorable Kenneth A. Robinson (Guthrie County): 61st (1965-1966)

Honorable H. Lyle Scheelhaase (Woodbury County): 66th, 67th, 67thX (1975-1978)

Honorable William J. Scherle (Mills County): 59th, 60th, 60thX, 61st (1961-1966)

Honorable Delwyn D. Stromer (Hancock County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, 1st half of 73rd (1967-1989)

Honorable George R. Swearingen (Keokuk County): 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX (1979-1988)

Honorable Charles J. Uban, II (Black Hawk County): 61st, 64th (1965-1966, 1971-1972)

Honorable Russell L. "Dutch" Wyckoff (Benton County): 64th, 65th, 66th, 67th, 67thX (1971-1978)

Candle Lighters

Senator John P. Kibbie
 Senator Frank Wood
 Representative Swati A. Dandekar
 Representative Jodi S. Tymeson

Senate Memorial Committee

Senator Bob Brunkhorst
 Senator Michael Connolly
 Senator Thomas Rielly
 Senator Maggie Tinsman

Hosts

Senator Daryl Beall
 Senator Tom Hancock
 Senator Amanda Ragan
 Representative Robert M. Hogg
 Representative Vicki S. Lensing
 Representative Helen Miller

House Memorial Committee

Representative Sandra H. Greiner
 Representative Dwayne A. Alons
 Representative Mary Mascher
 Representative Dolores M. Mertz

Choir Director: Jill Beni

Accompanists: Shelley Dolf, Erin Hopp and Debrah Lalk

Piano furnished by St. Augustin's School, Des Moines

Flowers Arranged by The Bloomin' Greenery, Indianola, Iowa

EVENING SESSION

The House reconvened at 8:35 p.m., Speaker Rants in the chair.

The House resumed consideration of **House File 816**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents, previously deferred.

Jenkins of Black Hawk offered amendment H-1222 filed by him and Kurtenbach of Story as follows:

H-1222

- 1 Amend House File 816 as follows:
- 2 1. Page 14, line 33, by striking the figure
- 3 "6,284,644" and inserting the following: "12,569,288".
- 4 2. By striking page 14, line 34 through page 15,
- 5 line 8 and inserting the following:
- 6 "The funds appropriated for purposes of this
- 7 lettered paragraph are subject to the following
- 8 allocations and requirements:
- 9 (1) The funds shall be distributed on a pro rata
- 10 basis to the universities' general operating budget
- 11 units by the board as outlined in the state board of
- 12 regents partnership for transformation and excellence
- 13 and for pay adjustments, expense reimbursements, and
- 14 related benefits for state board of regents employees
- 15 covered by a collective bargaining agreement and for
- 16 state board of regents not covered by a collective
- 17 bargaining agreement. The state board of regents
- 18 shall provide from other available sources any
- 19 additional funding needed for such pay adjustments,
- 20 expense reimbursements, and related benefits.
- 21 (2) The state university of Iowa, the Iowa state
- 22 university of science and technology, and the
- 23 university of northern Iowa shall each generate
- 24 matching internal reallocations in an amount equal to
- 25 50 percent of the prorated amounts received by the
- 26 universities pursuant to this lettered paragraph.
- 27 (3) The partnership for transformation and
- 28 excellence is a four-year partnership plan for the
- 29 purpose of enhancing the regents' strategic priorities
- 30 for educational quality and public accountability.
- 31 Under the plan, Iowa students and families will be
- 32 subject to moderate student tuition increases, and a
- 33 clear and concise reallocation plan that may be
- 34 audited will exist to strengthen the academic focus at
- 35 the regents universities. The reallocation plan will

36 enhance the quality of the regents universities and
37 provide both an incentive and an opportunity for
38 university-wide reprioritization and reallocation of
39 resources to the most important strategic areas.
40 (4) The state board of regents shall annually set
41 a target dollar amount or percentage figure of
42 expected reallocation of resources for each
43 university. The universities shall report to the
44 board on a semiannual basis regarding the actions
45 taken relating to the reallocations. Once funds have
46 been reallocated, that amount shall not be redirected
47 to the original entity or purpose unless extraordinary
48 circumstances exist and an equivalent reallocation
49 amount is increased for the same fiscal year. A
50 reallocation of resources may be made for any of the

Page 2

1 following purposes:
2 (a) Supporting new strategic initiatives.
3 (b) Meeting enrollment increases.
4 (c) Meeting the demand for new courses and
5 services.
6 (d) Funding new but unavoidable or mandated cost
7 increases.
8 (e) Supporting any other initiatives important to
9 the core functions of the university.
10 (5) For the purposes of this lettered paragraph:
11 (a) "Entity" means a president, vice president, or
12 a college, academic or nonacademic department,
13 division, program, or other unit.
14 (b) "Reallocation of resources" means funds within
15 the base budget of a university entity are removed by
16 the administrator of that entity and redirected to
17 another university entity or purpose.
18 (6) From the moneys allocated to the Iowa state
19 university of science and technology pursuant to this
20 lettered paragraph, an amount equal to \$250,000 shall
21 be distributed to the college of veterinary medicine
22 to reduce the operating fees charged by the veterinary
23 diagnostic laboratory. If Iowa state university of
24 science and technology fails to distribute funds to
25 the college of veterinary science in accordance with
26 this paragraph, the moneys shall revert to the general
27 fund of the state."

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1233 to amendment H-1222, filed by him and Kurtenbach of Story from the floor.

Jenkins of Black Hawk offered the following amendment H-1242, to amendment H-1222, filed by him and Kurtenbach of Story from the floor and moved its adoption:

H-1242

1 Amend the amendment, H-1222, to House File 816 as
2 follows:

3 1. By striking page 1, line 9, through page 2,
4 line 17 and inserting the following:

5 "(1) The partnership for transformation and
6 excellence is a four-year partnership plan created by
7 the state board of regents for the purpose of
8 enhancing the regents' strategic priorities for
9 educational quality and public accountability. Under
10 the plan, Iowa students and families will be subject
11 to moderate student tuition increases, and a clear and
12 concise reallocation plan that may be audited will
13 exist to strengthen the academic focus at the regents
14 universities. The reallocation plan will enhance the
15 quality of the regents universities and provide both
16 an incentive and an opportunity for university-wide
17 reprioritization and reallocation of resources to the
18 most important strategic areas.

19 (2) The funds shall be distributed by the board as
20 outlined in the state board of regents partnership for
21 transformation and excellence. The funds may be used
22 for any of the following purposes:

23 (a) Supporting new strategic initiatives.

24 (b) Meeting enrollment increases.

25 (c) Meeting the demand for new courses and
26 services.

27 (d) Funding new but unavoidable or mandated cost
28 increases.

29 (e) Supporting any other initiatives important to
30 the core functions of the university.

31 The funds may also be used for pay adjustments,
32 expense reimbursements, and related benefits for state
33 board of regents employees covered by a collective
34 bargaining agreement and for state board of regents
35 employees not covered by a collective bargaining
36 agreement. The board shall provide from other
37 available sources any additional funding needed for
38 such pay adjustments, expense reimbursements, and
39 related benefits.

40 (3) The state board of regents shall annually set

41 a target dollar amount or percentage figure of
42 expected reallocation of resources for each
43 university. The universities shall report to the
44 board on a semiannual basis regarding the actions
45 taken relating to the reallocations. Once funds have
46 been reallocated, that amount shall not be redirected
47 to the original entity or purpose unless extraordinary
48 circumstances exist and an equivalent reallocation
49 amount is increased for the same fiscal year. A
50 reallocation of resources may be made for any of the

Page 2

- 1 following purposes:
- 2 (a) Supporting new strategic initiatives.
- 3 (b) Meeting enrollment increases.
- 4 (c) Meeting the demand for new courses and
5 services.
- 6 (d) Funding new but unavoidable or mandated cost
7 increases.
- 8 (e) Supporting any other initiatives important to
9 the core functions of the university.
- 10 (4) For the purposes of this lettered paragraph:
 - 11 (a) "Entity" means a president, vice president, or
12 a college, academic or nonacademic department,
13 division, program, or other unit.
 - 14 (b) "Reallocation of resources" means funds within
15 the base budget of a university entity are removed by
16 the administrator of that entity and redirected to
17 another university entity or purpose.
 - 18 (5) The state university of Iowa, the Iowa state
19 university of science and technology, and the
20 university of northern Iowa shall each generate
21 matching internal reallocations in an amount equal to
22 50 percent of the amounts received by the universities
23 pursuant to this lettered paragraph."
- 24 2. Page 2, line 20 by striking the figure
25 "250,000" and inserting the following: "50,000".
- 26 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 52, nays 45.

Amendment H-1242 was adopted.

On motion by Jenkins of Black Hawk amendment H-1222, as amended, was adopted.

Frevert of Palo Alto offered amendment H-1209 filed by her as follows:

H-1209

- 1 Amend House File 816 as follows:
- 2 1. Page 20, by inserting after line 14 the
- 3 following:
- 4 "f. Veterinary diagnostic laboratory
- 5 For salaries, support, maintenance, miscellaneous
- 6 purposes, and for not more than the following full-
- 7 time equivalent positions:
- 8 \$ 4,000,000
- 9 FTEs 15.00"
- 10 2. By renumbering, redesignating, and correcting
- 11 internal references as necessary.

Frevert of Palo Alto offered the following amendment H-1244, to amendment H-1209, filed by her from the floor and moved its adoption:

H-1244

- 1 Amend the amendment, H-1209, to House File 816, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 9 and
- 4 inserting the following:
- 5 "For salaries, support, maintenance, and
- 6 miscellaneous purposes:
- 7 \$ 2,000,000"

Amendment H-1244 was adopted.

Frevert of Palo Alto moved the adoption of amendment H-1209, as amended.

Roll call was requested by Frevert of Palo Alto and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment H-1209, as amended, be adopted?" (H.F. 816)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Uppmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Fallon

Amendment H-1209 lost.

Chambers of O'Brien offered the following amendment H-1207 filed by him and moved its adoption:

H-1207

1 Amend House File 816 as follows:

2 1. Page 27, line 23, by striking the word "Fifty-

3 five" and inserting the following: "Fifty-five For

4 the fiscal year beginning July 1, 2004, and each

5 succeeding fiscal year, fifty-five".

6 2. Page 27, line 24, by inserting before the word

7 "reading" the following: "Iowa".

- 8 3. Page 27, by striking lines 26 through 32 and
- 9 inserting the following: "developing reading recovery
- 10 and literacy programs. The Iowa reading recovery
- 11 council shall use the area education agency unified
- 12 budget as its fiscal agent for grant moneys and for
- 13 other moneys administered by the council."
- 14 4. Page 31, by inserting after line 3 the
- 15 following:
- 16 "Sec. __. EFFECTIVE DATE. The section of this
- 17 Act that amends section 257B.1B, being deemed of
- 18 immediate importance, takes effect upon enactment."
- 19 5. Title page, line 5, by inserting after the
- 20 word "regents" the following: "and providing an
- 21 effective date".
- 22 6. By renumbering as necessary.

Amendment H-1207 was adopted.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-1208 filed by him on March 29, 2005.

Miller of Webster offered the following amendment H-1217, previously deferred, filed by Miller, et al., and moved its adoption:

H-1217

- 1 Amend House File 816 as follows:
- 2 1. Page 2, by striking line 35 and inserting the
- 3 following:
- 4 " \$ 549,240"

Amendment H-1217 lost.

Chambers of O'Brien offered amendment H-1223, previously deferred, filed by him as follows:

H-1223

- 1 Amend House File 816 as follows:
- 2 1. Page 3, by striking lines 27 and 28 and
- 3 inserting the following:
- 4 " \$ 5,139,542
- 5 FTEs 76.27"
- 6 2. By striking page 11, line 24, through page 12,
- 7 line 3, and inserting the following:
- 8 "Notwithstanding section 272.10, for the fiscal
- 9 year beginning July 1, 2005, and ending June 30, 2006,
- 10 the executive director of the board of educational
- 11 examiners shall deposit at least 27 percent of the

12 fees collected annually with the treasurer of state
13 which shall be credited to the general fund of the
14 state. The remaining licensing fees collected during
15 the fiscal year beginning July 1, 2005, and retained
16 are appropriated to the board for the purposes related
17 to the board's duties. Notwithstanding section 8.33,
18 licensing fees retained by and appropriated to the
19 board pursuant to this section that remain
20 unencumbered or unobligated at the close of the fiscal
21 year in an amount of not more than 10 percent of the
22 total licensing fees collected by the board by the
23 close of the fiscal year shall not revert but shall
24 remain available for expenditure for the purposes
25 designated until the close of the succeeding fiscal
26 year.

27 Sec. ___. EDUCATOR LICENSING REVIEW WORKING GROUP.

28 1. The board of educational examiners, in
29 consultation with the department of education, shall
30 convene a working group whose work shall be conducted
31 over a three-year period to identify and recommend
32 measures to improve Iowa's current teacher and
33 administrator preparation and licensing practices.
34 The working group shall review the current teacher and
35 administrator preparation and licensing processes to
36 identify essential standards to maintain quality
37 preparation and licensing requirements for teachers
38 and administrators. The review shall also do the
39 following:

- 40 a. Identify state laws and agency rules that are
41 no longer essential to maintain quality.
- 42 b. Compare Iowa's teacher and administrator
43 preparation and licensing practices with those of
44 neighboring states, and identify those areas where
45 Iowa's practices differ from, or are consistent with,
46 the practices of the states neighboring Iowa.
- 47 c. Identify potential barriers preventing teacher
48 and administrator candidates from neighboring states
49 from applying for licensure in Iowa.
- 50 d. Review federal laws and regulations relating to

Page 2

1 teachers and teacher licensure in order to ensure
2 compliance with federal laws and regulations,
3 especially those relating to highly qualified
4 teachers.

5 2. The working group shall consist of teachers,
6 administrators, and representatives of the department
7 of education, the state board of education, the board
8 of educational examiners, and practitioner preparation
9 institutions.

10 3. The working group shall submit its findings and

11 recommendations to the chairpersons and ranking
12 members of the senate and house standing education
13 committees and the joint appropriations subcommittee
14 on education by January 15, 2009."

15 3. Page 21, line 17, by inserting after the words
16 "to the" the following: "department of management for
17 allocation to the".

18 4. Page 21, by striking line 24 and inserting the
19 following: "section 7K.1, and subject to the matching
20 fund requirement of that section, if enacted:"

21 5. Page 24, line 30, by inserting before the word
22 "community" the following: "state".

23 6. Page 25, by inserting after line 24 the
24 following:

25 "h. Promote partnerships between other Iowa
26 governance structures including, but not limited to,
27 cities and counties, and all areas of Iowa's education
28 system."

29 7. Page 25, line 27, by inserting after the word
30 "terms" the following: "beginning on May 1 of the
31 year of appointment".

32 8. Page 25, by striking lines 31 through 33 and
33 inserting the following:

34 "(1) A school district superintendent from a
35 school district with enrollment of more than one
36 thousand one hundred ninety-nine pupils, but fewer
37 than four thousand seven hundred forty-nine pupils."

38 9. Page 26, by striking lines 4 and 5 and
39 inserting the following:

40 "(5) An individual representing an Iowa
41 agriculture association."

42 10. Page 26, by striking lines 8 through 11 and
43 inserting the following:

44 "(1) A school district superintendent from a
45 school district with an enrollment of one thousand one
46 hundred ninety-nine or fewer pupils."

47 11. Page 26, by striking lines 14 and 15 and
48 inserting the following:

49 "(3) An individual representing an Iowa business
50 employing more than fifty employees but less than two

Page 3

1 hundred fifty employees."

2 12. Page 26, by striking lines 27 through 29 and
3 inserting the following:

4 "(3) An individual representing an Iowa business
5 employing fifty or fewer employees."

6 13. Page 26, by striking lines 32 and 33 and
7 inserting the following:

8 "(5) An individual representing a business that
9 established itself in Iowa on or after July 1, 1999."

10 14. Page 27, by striking line 7 and inserting the
 11 following: "moneys are matched from other sources by
 12 the institute on a dollar-for-dollar".

13 15. Page 27, line 19, by inserting after the word
 14 "teachers." the following: "The report shall include
 15 an accounting of the revenues and expenditures of the
 16 institute."

17 16. Page 27, by inserting after line 32 the
 18 following:

19 "Sec. ____ Section 261.9, subsection 1, paragraph
 20 b, Code 2005, is amended to read as follows:

21 b. Is accredited by the north central association
 22 of colleges and secondary schools accrediting agency
 23 based on their requirements, is exempt from taxation
 24 under section 501(c)(3) of the Internal Revenue Code,
 25 and annually provides a matching aggregate amount of
 26 institutional financial aid equal to at least seventy-
 27 five percent of the amount received in a fiscal year
 28 by the institution's students for Iowa tuition grant
 29 assistance under this chapter. Commencing with the
 30 fiscal year beginning July 1, ~~2005~~ 2006, the matching
 31 aggregate amount of institutional financial aid shall
 32 increase by the percentage of increase each fiscal
 33 year of funds appropriated for Iowa tuition grants
 34 under section 261.25, subsection 1, to a maximum match
 35 of one hundred percent. The institution shall file
 36 annual reports with the commission prior to receipt of
 37 tuition grant moneys under this chapter. An
 38 institution whose income is not exempt from taxation
 39 under section 501(c) of the Internal Revenue Code and
 40 whose students were eligible to receive Iowa tuition
 41 grant money in the fiscal year beginning July 1, 2003,
 42 shall meet the match requirements of this paragraph no
 43 later than June 30, 2005."

44 17. By striking page 27, line 35 through page 28,
 45 line 21 and inserting the following:

46 "1. There is appropriated from the general fund of
 47 the state to the commission for each fiscal year the
 48 following:

49 a. The sum of ~~forty-seven~~ ~~forty-four~~ million ~~one~~
 50 ~~eight~~ hundred ~~fifty-seven~~ ~~fifty-five~~ thousand five

Page 4

1 nine hundred fifteen sixty-nine dollars for tuitin
 2 grants for distribution to qualified students enrolled
 3 at accredited private institutions that are exempt
 4 from taxation under section 501(c)(3) of the Internal
 5 Revenue Code.

6 b. From the funds appropriated in this subsection,
 7 ~~Not more than three~~ ~~The sum of four~~ million ~~four~~ eight
 8 hundred ~~seventeen~~ thousand ~~six~~ hundred ~~six~~ dollars may

9 ~~be distributed to~~ for distribution to qualified
10 students enrolled at accredited private institutions
11 whose income is not exempt from taxation under section
12 501(c) of the Internal Revenue Code and whose students
13 were eligible to receive Iowa tuition grant moneys in
14 the fiscal year beginning July 1, 2003. A for-profit
15 institution".

16 18. Page 28, by inserting after line 25 the
17 following:

18 "Sec. NEW SECTION. 272.29 ANNUAL
19 ADMINISTRATIVE RULES REVIEW.

20 The executive director shall annually review the
21 administrative rules adopted pursuant to this chapter
22 and related state laws. The executive director shall
23 annually submit the executive director's findings and
24 recommendations in a report to the board and the
25 chairpersons and ranking members of the senate and
26 house standing committees on education and the joint
27 appropriations subcommittee on education by January
28 15."

29 19. By renumbering, redesignating, and correcting
30 internal references as necessary.

Alons of Sioux offered amendment H-1254, to amendment
H-1223, filed by him, De Boef of Keokuk and Chambers of O'Brien
from the floor as follows:

H-1254

1 Amend the amendment, H-1223, to House File 816 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 " . Page 3, line 13, by inserting after the
6 word "grants" the following: "and provisions that
7 prohibit an entity that receives grant funds from the
8 department of cultural affairs from displaying before
9 the general public any art or cultural-related project
10 that contains obscene material, as defined in section
11 728.1, unless the entity has in place a plan to warn
12 patrons that the project contains material that is
13 adult in nature and is inappropriate for persons under
14 the age of 18, and which require the grant recipient
15 to display the project in an area set aside for
16 viewing by persons age 18 or over, or to take
17 precautions to prevent children under the age of 18
18 from viewing the project,"".

19 2. By renumbering, redesignating, and correcting
20 internal references as necessary.

Murphy of Dubuque rose on a point of order that amendment H-1254 was not germane, to amendment H-1223.

The Speaker ruled the point well taken and amendment H-1254 not germane, to amendment H-1223.

Alons of Sioux moved to suspend the rules to consider amendment H-1254 to amendment H-1223.

Roll call was requested by Alons of Sioux and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-1254 to amendment H-1223?" (H.F. 816)

The ayes were, 63:

Alons	Arnold	Baudler	Boal
Carroll	Chambers	Dandekar	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Olson, S.	Paulsen	Pettengill	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Shomshor
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wildurdyke	Mr. Speaker	
		Rants	

The nays were, 34:

Anderson	Bell	Berry	Bukta
Cohoon	Davitt	Fallon	Ford
Frevert	Gaskill	Heddens	Hunter
Jacoby	Jochum	Kressig	Kuhn
Lensing	Mascher	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Schueller	Shoultz	Smith	Taylor, T.
Tomenga	Wendt	Wessel-Kroeschell	Winckler
Wise	Zirkelbach		

Absent or not voting, 3:

Foegen

Quirk

Taylor, D.

The motion to suspend the rules prevailed.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1254 to amendment H-1223 filed by him from the floor.

Chambers of O'Brien offered the following amendment H-1229, to amendment H-1223, filed by him from the floor and moved its adoption:

H-1229

- 1 Amend the amendment, H-1223, to House File 816 as
- 2 follows:
- 3 1. Page 2, line 10, by inserting after the word
- 4 "shall" the following: "annually".
- 5 2. Page 2, line 14, by striking the figure "
- 6 2009".

Amendment H-1229 was adopted.

Roberts of Carroll in the chair at 10:30 p.m.

Ford of Polk offered the following amendment H-1248, to amendment H-1223, filed by him from the floor and moved its adoption:

H-1248

- 1 Amend the amendment, H-1223, to House File 816 as
- 2 follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following:
- 5 "i. Identify ways to reduce the achievement gap
- 6 between white and non-white, non-Asian students."
- 7 2. By renumbering, redesignating, and correcting
- 8 internal references as necessary.

Amendment H-1248 was adopted.

Mascher of Johnson asked and received unanimous consent to withdraw amendment H-1245 filed by her from the floor.

Chambers of O'Brien offered the following amendment H-1253, to amendment H-1223, filed by him from the floor and moved its adoption:

H-1253

1 Amend the amendment, H-1223, to House File 816 as
2 follows:

3 1. Page 2, by striking lines 35 through 37 and
4 inserting the following: "school district with
5 enrollment of one thousand one hundred forty-nine or
6 fewer pupils."

7 2. Page 2, by striking lines 44 through 46 and
8 inserting the following:

9 "(1) An individual representing the area education
10 agencies."

11 3. Page 3, by inserting after line 1 the
12 following:

13 "___ Page 26, by striking lines 23 and 24 and
14 inserting the following: "district with an enrollment
15 of more than one thousand one hundred forty-nine
16 pupils."

17 4. By renumbering, redesignating, and correcting
18 internal references as necessary.

Speaker pro tempore Carroll in the chair at 10:37 p.m.

Amendment H-1253 was adopted.

Boal of Polk offered the following amendment H-1235, to amendment H-1223, filed by her, Roberts of Carroll, Alons of Sioux, Freeman of Buena Vista, Raecker of Polk and Kaufmann of Cedar from the floor and moved its adoption:

H-1235

1 Amend the amendment, H-1223, to House File 816 as
2 follows:

3 1. Page 4, by inserting after line 15 the
4 following:

5 "___ Page 28, by inserting after line 25 the
6 following:

7 "If an accredited private institution has an
8 average default rate of ten percent or more within the
9 most recent consecutive three-year period as
10 determined by the commission using the official cohort
11 default rates for schools released annually by the
12 United States department of education, the total

13 amount of tuition grant moneys calculated by the
 14 commission for award to qualified students enrolled in
 15 the accredited private institution shall be reduced by
 16 one percent for each one-tenth of a percentage point
 17 in which the institution exceeds the ten percent
 18 default average. The sum of the moneys retained by
 19 the commission as a result of the reduction shall be
 20 redistributed by the commission on a pro rata basis
 21 under the state student aid programs administered by
 22 the commission."

A non-record roll call was requested.

The ayes were 53, nays 30.

Amendment H-1235 was adopted.

Mascher of Johnson offered amendment H-1259, to amendment H-1223, filed by her and Chambers of O'Brien from the floor as follows:

H-1259

1 Amend the amendment, H-1223, to House File 816 as
 2 follows:

3 1. Page 3, by inserting after line 16 the
 4 following:

5 "___ Page 27, by inserting after line 20 the
 6 following:

7 "Sec. ___. Section 256.9, Code 2005, is amended by
 8 adding the following new subsection:

9 **NEW SUBSECTION.** 53. Develop and make available to
 10 school districts, examples of age-appropriate
 11 materials and lists of resources which parents may use
 12 to teach their children to recognize unwanted physical
 13 and verbal sexual advances, to not make unwanted
 14 physical and verbal sexual advances, to effectively
 15 reject unwanted sexual advances, that it is wrong to
 16 take advantage of or exploit another person, and about
 17 counseling, medical, and legal resources available to
 18 survivors of sexual abuse and sexual assault,
 19 including resources for escaping violent
 20 relationships. The materials and resources shall
 21 cover verbal, physical, and visual sexual harassment,
 22 including nonconsensual sexual advances, and
 23 nonconsensual physical sexual contact. In developing
 24 the materials and resource list, the director shall
 25 consult with entities that shall include, but not be
 26 limited to, the departments of human services, public

27 health, and public safety, education stakeholders, and
 28 parent-teacher organizations. School districts shall
 29 provide age-appropriate materials and a list of
 30 available community and web-based resources to parents
 31 at registration and shall also include the age-
 32 appropriate materials and resource list in the student
 33 handbook. School districts are encouraged to work
 34 with their communities to provide voluntary parent
 35 education sessions to provide parents with the skills
 36 and appropriate strategies to teach their children as
 37 described in this subsection. School districts shall
 38 incorporate the age-appropriate materials into
 39 relevant curricula and shall reinforce the importance
 40 of preventive measures when reasonable with parents
 41 and students.""
 42 2. By renumbering, redesignating, and correcting
 43 internal references as necessary.

Amendment H-1259 was adopted.

Alons of Sioux offered the following amendment H-1238, to
 amendment H-1223, previously deferred, filed by him, Raecker of
 Polk, Boal of Polk and Roberts of Carroll from the floor and moved its
 adoption:

H-1238

1 Amend the amendment, H-1223, to House File 816 as
 2 follows:
 3 1. By striking page 3, line 44, through page 4,
 4 line 15, and inserting the following:
 5 "___ Page 28, line 5, by striking the word "six"
 6 and inserting the following: "two".
 7 ___ Page 28, line 6, by striking the word
 8 "forty-six".
 9 ___ Page 28, by striking lines 10 through 25 and
 10 inserting the following: "fiscal year beginning July
 11 1, 2003."
 12 2. By renumbering as necessary.

Amendment H-1238 lost.

Murphy of Dubuque asked and received unanimous consent to
 withdraw amendment H-1260 filed by him from the floor.

On motion by Chambers of O'Brien, amendment H-1223, as
 amended, was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1198, filed by her on March 29, 2005, placing out of order the following amendments:

Amendment H-1249 filed by Ford of Polk from the floor.

Amendment H-1251 filed by Wendt of Woodbury from the floor.

Amendment H-1252 and amendment H-1257 filed by Hogg of Linn from the floor.

Speaker Rants in the chair at 11:25 p.m.

Chambers of O'Brien moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 816)

The ayes were, 52:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Maddox	May
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdye	Mr. Speaker
			Rants

The nays were, 47:

Berry	Bukta	Cohoon	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

Absent or not voting, 1:

Quirk

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 816** be immediately messaged to the Senate.

SENATE FILE 283 REREFERRED

The Speaker announced that Senate File 283, previously referred to committee on **public safety** was **passed on file**.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-two students from Sully Christian School, Sully, Iowa, accompanied by Scott Roose and Enno Haan. By Bell of Jasper.

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

- | | |
|-----------|---|
| 2005\1015 | Otto Dannen, Latimer – For celebrating his 90 th birthday. |
| 2005\1016 | Evelyn Rensink, Clear Lake – For celebrating her 90 th birthday. |
| 2005\1017 | Dean Quintus, Hampton – For celebrating his 80 th birthday. |
| 2005\1018 | Floyd Bochmann, Sheffield – For celebrating his 92 nd birthday. |
| 2005\1019 | Doris Barlow, Clear Lake – For celebrating her 90 th birthday. |
| 2005\1020 | Merlyn W. Hansen, Brayton – For celebrating his 80 th birthday. |
| 2005\1021 | Ruby Heath, Exira – For celebrating her 95 th birthday. |
| 2005\1022 | Stephanie Eifler, Carroll – For receiving the University of Iowa Dean's Scholarship. |
| 2005\1023 | Chad M. Ungerer, Donnellson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America. |

SUBCOMMITTEE ASSIGNMENT

House File 486

Government Oversight: Raecker, Chair; Eichhorn and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 292 Ways and Means

Relating to the county recorders' county land record information system project and providing an effective date.

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 GOVERNMENT OVERSIGHT

Committee Bill (Formerly House Study Bill 168), relating to bidding requirements for state executive branch purchases.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 57, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

RESOLUTIONS FILED

HR 32, by Rants, Wendt and Whitead, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Laid over under **Rule 25**.

HR 33, by Alons, Watts, May, Drake, Dix, Roberts, Tjepkes, Lukan, J.K. Van Fossen, Greiner, Struyk, Soderberg, Hoffman, Eichhorn, Granzow, Chambers, Upmeyer, Raecker, Boal, Anderson, Lalk, De Boef, Sands, Rasmussen, S. Olson, Jenkins, Dolecheck, Gipp, Jacobs, Heaton, Rayhons, Baudler, Freeman, Jones, Hutter, Huseman and Wilderdyke, a resolution urging the United States Senators from the State of Iowa to support President Bush's Nominees to the federal courts and to the United States Supreme Court.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1224	H.F.	814	Alons of Sioux
H—1225	H.F.	825	Smith of Marshall
H—1230	S.F.	57	Fallon of Polk
H—1231	H.F.	828	Raecker of Polk
H—1234	H.F.	814	Alons of Sioux
H—1236	H.F.	811	Whitaker of Van Buren
H—1239	H.F.	608	Anderson of Page
H—1240	H.F.	753	Smith of Marshall
H—1241	H.F.	793	Jacobs Polk
H—1243	H.F.	647	Raecker of Polk
H—1246	H.F.	811	Foege of Linn
			Winckler of Scott
			Jochum of Dubuque
			Hutter of Scott
			Swaim of Davis
			R. Olson of Polk
H—1247	S.F.	246	Boal of Polk
H—1250	H.F.	603	Boal of Polk
H—1255	S.F.	206	Rayhons of Hancock
			Bell of Japer
			Freeman of Buena Vista
			Whitaker of Van Buren
H—1256	S.F.	123	Mascher of Johnson
H—1258	H.F.	807	R. Olson of Polk
H—1261	H.F.	826	Horbach of Tama
H—1262	H.F.	729	Kurtenbach of Story
			Dix of Butler
			Paulsen of Linn

Jenkins of Black Hawk
Anderson of Page
Kaufmann of Cedar
Freeman of Buena Vista
Roberts of Carroll
Rasmussen of Buchanan
Arnold of Lucas
Dolecheck of Ringgold
Horbach of Tama

Baudler of Adair
Hutter of Scott
Chambers of O'Brien
Hoffman of Crawford
Lukan of Dubuque
Van Engelenhoven of Marion
Struyk of Pottawattamie
Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 11:34 p.m., until 8:45 a.m., Thursday, March 31, 2005.

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 31, 2005

The House met pursuant to adjournment at 9:05 a.m., Speaker Rants in the chair.

Prior to convening the House Memorial Choir sang 'In This Very Room', 'The Star Spangled Banner' and 'My County 'Tis of Thee'.

The House rose and expressed its appreciation.

Prayer was offered by Reverend Rob Noah, pastor of Jubilee Family Church, Oskaloosa. He was the guest of Representative Rich Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 30, 2005 was approved.

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Paulsen of Linn in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Taylor of Linn on request of Heddens of Story.

CONSIDERATION OF BILLS Regular Calendar

House File 776, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the

state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and charges for credit card payments accepted by government, was taken up for consideration.

Raecker of Polk offered the following amendment H-1157 filed by him and Lensing of Johnson and moved its adoption:

H-1157

1 Amend House File 776 as follows:

2 1. By striking page 5, line 14, through page 7,
3 line 1, and inserting the following:

4 "Sec. __. DEPARTMENT OF ADMINISTRATIVE SERVICES

5 - E-COMMERCE STUDY - REPORT. It is the intent of

6 the general assembly to encourage the use of

7 electronic transactions with regard to the state's
8 dealings with the citizens of Iowa and other persons.

9 The department of administrative services shall

10 develop recommendations, including proposed

11 legislation, to encourage the use of electronic
12 commerce, including the acceptance of credit card

13 payments, with regard to transactions involving the

14 state. The department shall consult with the state

15 treasurer, state entities currently accepting credit
16 card payments, and any other state entities identified

17 as considering the acceptance of credit card payments

18 when developing the recommendations. The department

19 shall deliver a report to the general assembly by

20 January 20, 2006, including any recommendations,

21 proposed legislation, and other related information,

22 including cost information associated with credit card

23 payments."

24 2. Title page, line 10, by striking the words

25 "charges for" and inserting the following: "providing

26 for a study concerning".

27 3. By renumbering as necessary.

Amendment H-1157 was adopted.

Raecker 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. 776)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Wise	Zirkelbach	Paulsen, Presiding

The nays were, none.

Absent or not voting, 4:

Fallon	Ford	Huser	Taylor, T.
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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.

House File 608, a bill for an act defining the term "possession" for purposes of the criminal law, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-1053 filed by him on March 9, 2005.

Anderson of Page offered the following amendment H-1239 filed by him and moved its adoption:

H-1239

- 1 Amend House File 608 as follows:
- 2 1. Page 1, by striking lines 17 through 27.

Amendment H-1239 was adopted.

Anderson of Page 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. 608)

The ayes were, 82

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Elgin	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Olson, D.	Olson, S.
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshar	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Wise
Zirkelbach	Paulsen, Presiding		

The nays were, 17:

Berry	Eichhorn	Fallon	Foege
Ford	Hunter	Jacoby	Jochum
Kuhn	Lensing	Mascher	Oldson
Olson, R.	Petersen	Shultz	Wendt
Winckler			

Absent or not voting, 1:

Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 753, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child, was taken up for consideration.

Smith of Marshall offered amendment H-1187 filed by him as follows:

H-1187

1 Amend House File 753 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. 1. Section 232.2, subsection 4, Code 2005,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. k. If it is part of the child's
7 records or it is otherwise known that the child has
8 behaved in a manner that threatened the safety of
9 another person, has committed a violent act causing
10 bodily injury to another person, or has been a victim
11 or perpetrator of sexual abuse, that information shall
12 be addressed in the plan and shall be provided to the
13 child's parent, guardian, or foster parent or other
14 person with custody of the child. The information
15 shall be provided whether the child's placement is
16 voluntary or made pursuant to a court determination.
17 The information shall be provided at the time it is
18 learned by the department or agency developing the
19 plan and, if possible, at the time of the child's
20 placement. The information shall only be withheld if
21 ordered by the court or it is determined by the
22 department or agency developing the plan that
23 providing the information would be detrimental to the
24 child or to the family with whom the child is living."

25 2. Page 1, line 13, by inserting after the word
26 "person," the following: "has committed a violent act
27 causing bodily injury to another person, or has been a
28 victim or perpetrator of sexual abuse,".

29 3. Page 1, line 15, by striking the words
30 "informed of the behavior" and inserting the
31 following: "provided with that information".

32 4. Page 1, line 28, by inserting after the word
33 "person," the following: "has committed a violent act
34 causing bodily injury to another person, or has been a
35 victim or perpetrator of sexual abuse,".

36 5. Page 1, line 30, by striking the words
37 "informed of the behavior" and inserting the
38 following: "provided with that information".

39 6. Page 2, line 11, by inserting after the word
40 "person," the following: "has committed a violent act

41 causing bodily injury to another person, or has been a
 42 victim or perpetrator of sexual abuse."

43 7. Page 2, line 13, by striking the words
 44 "informed of the behavior" and inserting the
 45 following: "provided with that information".

46 8. Page 2, line 27, by inserting after the word
 47 "person," the following: "has committed a violent act
 48 causing bodily injury to another person, or has been a
 49 victim or perpetrator of sexual abuse.".

50 9. Page 2, line 29, by striking the words

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1 "informed of the behavior" and inserting the
 2 following: "provided with that information".

3 10. By renumbering as necessary.

Smith of Marshall offered the following amendment H-1240, to
 amendment H-1187, filed by him and moved its adoption:

H-1240

1 Amend the amendment, H-1187, to House File 753 as
 2 follows:

3 1. Page 1, line 24, by inserting after the word
 4 "living," the following: "In determining whether
 5 providing the information would be detrimental, the
 6 court, department, or agency shall consider any
 7 history of abuse within the child's family or toward
 8 the child."

Amendment H-1240 was adopted.

On motion by Smith of Marshall, amendment H-1187, 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. 753)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck

Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Paulsen, Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 595 WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw House File 595 from further consideration by the House.

House File 708, a bill for an act relating to the establishment of rural improvement zones, was taken up for consideration.

Speaker Rants in the chair at 12:23 p.m.

Wildurdyke of Harrison 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. 708)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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 608, 708, 753 and 776.**

On motion by Gipp of Winneshiek, the House was recessed at 12:27 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILL

House File 829, by committee on government oversight, a bill for an act relating to bidding requirements for state executive branch purchases.

Read first time and placed on the **calendar**.

Appropriations Calendar

House File 826, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations, was taken up for consideration.

Lykam of Scott asked and received unanimous consent to withdraw amendment H-1206 filed by him on March 29, 2005.

Gipp of Winneshiek asked and received unanimous consent that House File 826 be deferred and that the bill retain its place on the calendar.

Regular Calendar

House File 647, a bill for an act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly, establishing a filing deadline for all statements and reports, providing a penalty, and providing applicability dates, was taken up for consideration.

Raecker of Polk offered amendment H-1243 filed by him as follows:

H-1243

- 1 Amend House File 647 as follows:
- 2 1. Page 1, by striking lines 1 through 8, and
- 3 inserting the following:
- 4 "Section 1. Section 68A.401, subsection 1, Code
- 5 2005, is amended as follows:
- 6 1. All statements and reports required to be filed
- 7 under this chapter shall be filed with the board as

8 provided in section 68A.402, subsection 1. The board
9 shall provide copies of all statements and reports
10 filed under this chapter for a county, city, school,
11 or other political subdivision to the commissioner
12 responsible under section 47.2."

13 2. Page 1, by inserting after line 30, the
14 following:

15 "Sec. __. Section 64A.402, subsection 1, Code
16 2005, is amended to read as follows:

17 1. FILING METHODS. Each committee shall file with
18 the board reports disclosing information required
19 under this section on forms prescribed by rule.

20 Reports shall be filed on or before the required due
21 dates by using any of the following methods: mail
22 bearing a United States postal service postmark, hand-
23 delivery, facsimile transmission, or electronic filing
24 as prescribed by rule. To be considered timely filed,
25 a statement or report under this chapter filed by mail
26 by a candidate or candidate's committee for statewide
27 office or the general assembly shall be postmarked
28 with a United States postal service postmark on or
29 before the third day prior to the due date that the
30 statement or report is required to be filed."

31 3. By renumbering as necessary.

Raecker of Polk offered the following amendment H-1267, to amendment H-1243, filed by him from the floor and moved its adoption:

H-1267

1 Amend the amendment, H-1243, to House File 647 as
2 follows:

3 1. Page 1, line 29, by striking the word "third"
4 and inserting the following: "second".

Amendment H-1267 was adopted.

On motion by Raecker of Polk, amendment H-1243, as amended, was adopted.

Raecker 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. 647)

The ayes were, 63:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Carroll	Chambers
Dandekar	Davitt	Dix	Dolecheck
Elgin	Fallon	Freeman	Gipp
Granzow	Heaton	Heddens	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Kaufmann	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Mascher	May
Olson, D.	Olson, R.	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Shomshor	Shultz
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Wildurdyke	Winckler	Mr. Speaker	
		Rants	

The nays were, 36:

Bell	Bukta	Cohoon	De Boef
Drake	Eichhorn	Foege	Ford
Frevert	Gaskill	Greiner	Hogg
Hunter	Jacoby	Kressig	Kuhn
Lykam	McCarthy	Mertz	Miller
Murphy	Oldson	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Smith	Swaim	Taylor, D.	Thomas
Whitaker	Whitead	Wise	Zirkelbach

Absent or not voting, 1:

Taylor, T.

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 647** be immediately messaged to the Senate.

House File 814, a bill for an act relating to electronic notices of bidding opportunities for state purchases, was taken up for consideration.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1174 filed by him on March 23, 2005.

Alons of Sioux asked and received unanimous consent to withdraw amendment H-1224 filed by him on March 30, 2005.

Alons of Sioux offered the following amendment H-1234 filed by him and moved its adoption:

H-1234

- 1 Amend House File 814 as follows:
 2 1. Page 1, by striking lines 23 through 29 and
 3 inserting the following: "department or the state
 4 agency as provided in section 73.2, subsection 2. The
 5 department may establish by rule requirements relating
 6 to such notice. A competitive bidding opportunity
 7 that is not preceded by a notice that satisfies the
 8 requirements of this paragraph is void and shall be
 9 rebid. A request for proposals for architectural".

Amendment H-1234 was adopted.

Alons of Sioux 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. 814)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill

Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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 814** be immediately messaged to the Senate.

House File 603, a bill for an act relating to a contribution to a statewide nonprofit legal aid organization in a criminal proceeding, was taken up for consideration.

Boal of Polk offered the following amendment H-1250 filed by her and moved its adoption:

H-1250

- 1 Amend House File 603 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 901.11 DONATIONS –
- 5 PROHIBITED.
- 6 A monetary or property donation to any agency,
- 7 organization, or political subdivision of the state is
- 8 prohibited as a part of any dismissal, sentence, or
- 9 other penalty.
- 10 Sec. 2. Section 907.13, subsection 2, Code 2005,
- 11 is amended to read as follows:
- 12 2. The defendant's plan of community service, the
- 13 comments of the defendant's probation officer, and the
- 14 comments of the representative of the judicial

15 district department of correctional services
16 responsible for the unpaid community service program,
17 shall be submitted promptly to the court. The court
18 shall promptly enter an order approving the plan or
19 modifying it. Compliance with the plan of community
20 service as approved or modified by the court shall be
21 a condition of the defendant's probation. The court
22 thereafter may modify the plan at any time upon the
23 defendant's request, upon the request of the judicial
24 district department of correctional services, or upon
25 the court's own motion. ~~As an option for modification~~
26 ~~of a plan, the court may allow a defendant to complete~~
27 ~~some part or all of the defendant's community service~~
28 ~~obligation through the donation of property to a~~
29 ~~charitable organization other than a governmental~~
30 ~~subdivision. A donation of property to a charitable~~
31 ~~organization offered in satisfaction of some part or~~
32 ~~all of a community service obligation under this~~
33 ~~subsection is not a deductible contribution for the~~
34 ~~purposes of federal or state income taxes.~~

35 Sec. 3. Section 910.1, subsection 4, Code 2005, is
36 amended to read as follows:

37 4. "Restitution" means payment of pecuniary
38 damages to a victim in an amount and in the manner
39 provided by the offender's plan of restitution.
40 "Restitution" also includes fines, penalties, and
41 surcharges, ~~the contribution of funds to a local~~
42 ~~antierime organization which provided assistance to~~
43 ~~law enforcement in an offender's case, the payment of~~
44 crime victim compensation program reimbursements,
45 payment of restitution to public agencies pursuant to
46 section 321J.2, subsection 9, paragraph "b", court
47 costs including correctional fees approved pursuant to
48 section 356.7, court-appointed attorney fees ordered
49 pursuant to section 815.9, including the expense of a
50 public defender, and the performance of a public

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1 service by an offender in an amount set by the court
2 when the offender cannot reasonably pay all or part of
3 the court costs including correctional fees approved
4 pursuant to section 356.7, or court-appointed attorney
5 fees ordered pursuant to section 815.9, including the
6 expense of a public defender.

7 Sec. 4. Section 910.2, Code 2005, is amended to
8 read as follows:

9 **910.2 RESTITUTION OR COMMUNITY SERVICE TO BE**
10 **ORDERED BY SENTENCING COURT.**

11 In all criminal cases in which there is a plea of
12 guilty, verdict of guilty, or special verdict upon
13 which a judgment of conviction is rendered, the

14 sentencing court shall order that restitution be made
15 by each offender to the victims of the offender's
16 criminal activities, to the clerk of court for fines,
17 penalties, surcharges, and, to the extent that the
18 offender is reasonably able to pay, for crime victim
19 assistance reimbursement, restitution to public
20 agencies pursuant to section 321J.2, subsection 9,
21 paragraph "b", court costs including correctional fees
22 approved pursuant to section 356.7, or court-appointed
23 attorney fees ordered pursuant to section 815.9,
24 including the expense of a public defender, when
25 applicable, ~~or contribution to a local antierime~~
26 ~~organization~~. However, victims shall be paid in full
27 before fines, penalties, ~~and~~ surcharges, crime victim
28 compensation program reimbursement, public agencies,
29 court costs including correctional fees approved
30 pursuant to section 356.7, and court-appointed
31 attorney fees ordered pursuant to section 815.9,
32 including the expenses of a public defender, ~~or~~
33 ~~contributions to a local antierime organization~~ are
34 paid. In structuring a plan of restitution, the court
35 shall provide for payments in the following order of
36 priority: victim, fines, penalties, and surcharges,
37 crime victim compensation program reimbursement,
38 public agencies, court costs including correctional
39 fees approved pursuant to section 356.7, and court-
40 appointed attorney fees ordered pursuant to section
41 815.9, including the expense of a public defender, and
42 ~~contribution to a local antierime organization~~.

43 When the offender is not reasonably able to pay all
44 or a part of the crime victim compensation program
45 reimbursement, public agency restitution, court costs
46 including correctional fees approved pursuant to
47 section 356.7, or court-appointed attorney fees
48 ordered pursuant to section 815.9, including the
49 expense of a public defender, ~~or contribution to a~~
50 ~~local antierime organization~~, the court may require

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1 the offender in lieu of that portion of the crime
2 victim compensation program reimbursement, public
3 agency restitution, court costs including correctional
4 fees approved pursuant to section 356.7, or court-
5 appointed attorney fees ordered pursuant to section
6 815.9, including the expense of a public defender, ~~or~~
7 ~~contribution to a local antierime organization~~ for
8 which the offender is not reasonably able to pay, to
9 perform a needed public service for a governmental
10 agency or for a private nonprofit agency which
11 provides a service to the youth, elderly, or poor of
12 the community. When community service is ordered, the

13 court shall set a specific number of hours of service
 14 to be performed by the offender which, for payment of
 15 court-appointed attorney fees ordered pursuant to
 16 section 815.9, including the expenses of a public
 17 defender, shall be approximately equivalent in value
 18 to those costs. The judicial district department of
 19 correctional services shall provide for the assignment
 20 of the offender to a public agency or private
 21 nonprofit agency to perform the required service."
 22 2. Title page, by striking lines 1 and 2 and
 23 inserting the following: "An Act prohibiting a
 24 donation or contribution to an agency, organization,
 25 or political subdivision of the state in a criminal
 26 proceeding."

Amendment H-1250 was adopted.

SENATE FILE 246 SUBSTITUTED FOR HOUSE FILE 603

Boal of Polk asked and received unanimous consent to substitute Senate File 246 for House File 603.

Senate File 246, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding, was taken up for consideration.

Boal of Polk offered the following amendment H-1247 filed by her and moved its adoption:

H-1247

1 Amend Senate File 246 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. Section 907.13, subsection 2, Code
 5 2005, is amended to read as follows:
 6 2. The defendant's plan of community service, the
 7 comments of the defendant's probation officer, and the
 8 comments of the representative of the judicial
 9 district department of correctional services
 10 responsible for the unpaid community service program,
 11 shall be submitted promptly to the court. The court
 12 shall promptly enter an order approving the plan or
 13 modifying it. Compliance with the plan of community
 14 service as approved or modified by the court shall be
 15 a condition of the defendant's probation. The court
 16 thereafter may modify the plan at any time upon the
 17 defendant's request, upon the request of the judicial
 18 district department of correctional services, or upon

19 the court's own motion. As an option for modification
 20 of a plan, the court may allow a defendant to complete
 21 some part or all of the defendant's community service
 22 obligation through the donation of property to a
 23 ~~charitable organization other than a governmental~~
 24 ~~subdivision statewide nonprofit legal aid~~
 25 ~~organization.~~ A donation of property to a charitable
 26 ~~organization statewide nonprofit legal aid~~
 27 ~~organization~~ offered in satisfaction of some part or
 28 all of a community service obligation under this
 29 subsection is not a deductible contribution for the
 30 purposes of federal or state income taxes.

31 Sec. 2. Section 910.1, subsection 4, Code 2005, is
 32 amended to read as follows:

33 4. "Restitution" means payment of pecuniary
 34 damages to a victim in an amount and in the manner
 35 provided by the offender's plan of restitution.
 36 "Restitution" also includes fines, penalties, and
 37 surcharges, the contribution of funds to a ~~local~~
 38 ~~antirime organization which provided assistance to~~
 39 ~~law enforcement in an offender's case, a statewide~~
 40 ~~nonprofit legal aid organization,~~ the payment of crime
 41 victim compensation program reimbursements, payment of
 42 restitution to public agencies pursuant to section
 43 321J.2, subsection 9, paragraph "b", court costs
 44 including correctional fees approved pursuant to
 45 section 356.7, court-appointed attorney fees ordered
 46 pursuant to section 815.9, including the expense of a
 47 public defender, and the performance of a public
 48 service by an offender in an amount set by the court
 49 when the offender cannot reasonably pay all or part of
 50 the court costs including correctional fees approved

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1 pursuant to section 356.7, or court-appointed attorney
 2 fees ordered pursuant to section 815.9, including the
 3 expense of a public defender.

4 Sec. 3. Section 910.2, Code 2005, is amended to
 5 read as follows:

6 **910.2 RESTITUTION OR COMMUNITY SERVICE TO BE**
 7 **ORDERED BY SENTENCING COURT.**

8 In all criminal cases in which there is a plea of
 9 guilty, verdict of guilty, or special verdict upon
 10 which a judgment of conviction is rendered, the
 11 sentencing court shall order that restitution be made
 12 by each offender to the victims of the offender's
 13 criminal activities, to the clerk of court for fines,
 14 penalties, surcharges, and, to the extent that the
 15 offender is reasonably able to pay, for crime victim
 16 assistance reimbursement, restitution to public
 17 agencies pursuant to section 321J.2, subsection 9,

18 paragraph "b", court costs including correctional fees
 19 approved pursuant to section 356.7, court-appointed
 20 attorney fees ordered pursuant to section 815.9,
 21 including the expense of a public defender, when
 22 applicable, or contribution to a ~~local antierime~~
 23 ~~organization~~ statewide nonprofit legal aid
 24 organization. However, victims shall be paid in full
 25 before fines, penalties, and surcharges, crime victim
 26 compensation program reimbursement, public agencies,
 27 court costs including correctional fees approved
 28 pursuant to section 356.7, court-appointed attorney
 29 fees ordered pursuant to section 815.9, including the
 30 expenses of a public defender, or contributions to a
 31 ~~local antierime organization~~ statewide nonprofit legal
 32 aid organization are paid. In structuring a plan of
 33 restitution, the court shall provide for payments in
 34 the following order of priority: victim, fines,
 35 penalties, and surcharges, crime victim compensation
 36 program reimbursement, public agencies, court costs
 37 including correctional fees approved pursuant to
 38 section 356.7, court-appointed attorney fees ordered
 39 pursuant to section 815.9, including the expense of a
 40 public defender, and contribution to a ~~local antierime~~
 41 ~~organization~~ statewide nonprofit legal aid
 42 organization.
 43 When the offender is not reasonably able to pay all
 44 or a part of the crime victim compensation program
 45 reimbursement, public agency restitution, court costs
 46 including correctional fees approved pursuant to
 47 section 356.7, court-appointed attorney fees ordered
 48 pursuant to section 815.9, including the expense of a
 49 public defender, or contribution to a ~~local antierime~~
 50 ~~organization~~ statewide nonprofit legal aid

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1 organization, the court may require the offender in
 2 lieu of that portion of the crime victim compensation
 3 program reimbursement, public agency restitution,
 4 court costs including correctional fees approved
 5 pursuant to section 356.7, court-appointed attorney
 6 fees ordered pursuant to section 815.9, including the
 7 expense of a public defender, or contribution to a
 8 ~~local antierime organization~~ statewide nonprofit legal
 9 aid organization for which the offender is not
 10 reasonably able to pay, to perform a needed public
 11 service for a governmental agency or for a private
 12 nonprofit agency which provides a service to the
 13 youth, elderly, or poor of the community. When
 14 community service is ordered, the court shall set a
 15 specific number of hours of service to be performed by
 16 the offender which, for payment of court-appointed

17 attorney fees ordered pursuant to section 815.9,
 18 including the expenses of a public defender, shall be
 19 approximately equivalent in value to those costs. The
 20 judicial district department of correctional services
 21 shall provide for the assignment of the offender to a
 22 public agency or private nonprofit agency to perform
 23 the required service."
 24 2. Title page, by striking lines 1 through 3, and
 25 inserting the following: "An Act relating to a
 26 contribution to a statewide nonprofit legal aid
 27 organization in a minimal proceeding."

Amendment H-1247 was adopted.

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. 246)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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 246** be immediately messaged to the Senate.

House File 729, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, was taken up for consideration.

Drake of Pottawattamie in the chair at 2:28 p.m.

Frevert of Palo Alto offered amendment H-1149 filed by her as follows:

H-1149

1 Amend House File 729 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I

5 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT SYSTEM

6 Section 1. Section 97A.4, Code 2005, is amended by

7 adding the following new unnumbered paragraph:

8 NEW UNNUMBERED PARAGRAPH. Upon application by the

9 member, the board of trustees shall credit as service

10 for a member of the system a previous period of

11 service as a member of a city fire retirement system

12 and police retirement system operating under chapter

13 411 prior to January 1, 1992, for which service was

14 not eligible to be transferred to this system pursuant

15 to section 97A.17.

16 Sec. 2. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,

17 ACCIDENT, AND DISABILITY SYSTEM - ADDITIONAL

18 APPROPRIATION.

19 1. Notwithstanding any provision of section 97A.8

20 to the contrary, the Iowa department of public safety

21 peace officers' retirement, accident, and disability

22 system as defined in section 97A.2 shall not increase

23 the contribution rate of members of the system to

24 cover any increase in cost to the system resulting

25 from this Act.

26 2. In addition to any payments to the pension
 27 accumulation fund as provided in section 97A.8, there
 28 shall be appropriated from the general fund of the
 29 state to the pension accumulation fund described in
 30 section 97A.8 an annual amount equal to fifty thousand
 31 dollars for the fiscal period beginning July 1, 2005,
 32 and ending June 30, 2027."

33 2. Title page, line 1, by inserting after the
 34 words "to the" the following: "public safety peace
 35 officers' retirement system, the".

36 3. Title page, line 2, by inserting after the
 37 word "system" the following: ", and providing an
 38 appropriation".

39 4. By renumbering, redesignating, and correcting
 40 internal references as necessary.

Elgin of Linn rose on a point of order that amendment H-1149 was not germane.

The Speaker ruled the point well taken and amendment H-1149 not germane.

Kurtenbach of Story offered amendment H-1262 filed by Kurtenbach, et al., as follows:

H-1262

1 Amend House File 729 as follows:

2 1. Page 2, by inserting after line 2 the
 3 following:

4 "Sec. __. Section 97B.42, Code 2005, is amended
 5 by adding the following new unnumbered paragraphs:
 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
 7 other provision of this section, commencing July 1,
 8 2006, a member who is employed by a school district or
 9 area education agency as an elementary or secondary
 10 school teacher may elect coverage under the eligible
 11 alternative retirement benefits system as provided in
 12 section 294.17, in lieu of continuing or commencing
 13 contributions to the Iowa public employees' retirement
 14 system. However, the employer's and employee's annual
 15 contribution in dollars to the eligible alternative
 16 retirement benefits system shall equal, but not
 17 exceed, the annual contribution in dollars which the
 18 employer and employee would contribute if the employee
 19 had elected to remain an active member under this
 20 chapter, as set forth in section 97B.11. A member who
 21 elects coverage under the eligible alternative
 22 retirement benefits system as provided by this
 23 paragraph may withdraw the member's accumulated

24 contributions effective when coverage under the
25 eligible alternative retirement benefits system
26 commences. A member who is employed by a school
27 district or area education agency as an elementary or
28 secondary school teacher prior to July 1, 2006, must
29 file an election for coverage under the eligible
30 alternative retirement benefits system described in
31 section 294.17, with the system and the employing
32 school district or area education agency within
33 eighteen months of the first day on which coverage
34 commences under the eligible alternative retirement
35 benefits system described in section 294.17, or the
36 employee shall remain a member under this chapter and
37 shall not be eligible to elect to participate in the
38 eligible alternative retirement benefits system at a
39 later date. A person hired on or after July 1, 2006,
40 by a school district or area education agency as an
41 elementary or secondary school teacher must file an
42 election for coverage under the eligible alternative
43 retirement benefits system with the system and the
44 employing school district or area education agency
45 within sixty days of commencing employment, or the
46 employee shall remain a member under this chapter and
47 shall not be eligible to elect to participate in the
48 eligible alternative retirement benefits system at a
49 later date. The system shall cooperate with the state
50 board of education and with applicable school

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1 districts and area education agencies to facilitate
2 the implementation of this provision.
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
4 other provision of this section, commencing July 1,
5 2006, a member who is employed by a public hospital
6 may elect coverage under the eligible alternative
7 retirement benefits system as provided in section
8 347.14 or 392.6, in lieu of continuing or commencing
9 contributions to the Iowa public employees' retirement
10 system. However, the employer's and employee's annual
11 contribution in dollars to the eligible alternative
12 retirement benefits system shall equal, but not
13 exceed, the annual contribution in dollars which the
14 employer and employee would contribute if the employee
15 had elected to remain an active member under this
16 chapter, as set forth in section 97B.11. A member who
17 elects coverage under the eligible alternative
18 retirement benefits system as provided by this
19 paragraph may withdraw the member's accumulated
20 contributions effective when coverage under the
21 eligible alternative retirement benefits system
22 commences. A member who is employed by a public

23 hospital prior to July 1, 2006, must file an election
 24 for coverage under the eligible alternative retirement
 25 benefits system described in section 347.14 or 392.6,
 26 with the system and the employing public hospital
 27 within eighteen months of the first day on which
 28 coverage commences under the eligible alternative
 29 retirement benefits system described in section 347.14
 30 or 392.6, or the employee shall remain a member under
 31 this chapter and shall not be eligible to elect to
 32 participate in the eligible alternative retirement
 33 benefits system at a later date. A person hired on or
 34 after July 1, 2006, by a public hospital must file an
 35 election for coverage under the eligible alternative
 36 retirement benefits system with the system and the
 37 employing public hospital within sixty days of
 38 commencing employment, or the employee shall remain a
 39 member under this chapter and shall not be eligible to
 40 elect to participate in the eligible alternative
 41 retirement benefits system at a later date. In
 42 addition, an election by a member to participate in an
 43 alternative retirement benefits system as provided by
 44 this paragraph shall be irrevocable and the member
 45 shall not be eligible to elect coverage under this
 46 chapter while employed by a public hospital in this
 47 state that has made an alternative retirement benefits
 48 system available. The system shall cooperate with
 49 boards of trustees of public hospitals authorized to
 50 offer an eligible alternative retirement benefits

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1 system to facilitate the implementation of this
 2 provision."

3 2. Page 2, by inserting after line 21 the
 4 following:

5 "Sec. __. Section 256.7, Code 2005, is amended by
 6 adding the following new subsection:

7 **NEW SUBSECTION. 26.** By July 1, 2006, provide for
 8 the establishment of an eligible alternative
 9 retirement benefits system for elementary and
 10 secondary school teachers employed by a school
 11 district or area education agency consistent with the
 12 requirements of section 294.17.

13 Sec. __. **NEW SECTION. 294.17 ELIGIBLE**
 14 **ALTERNATIVE PENSION AND ANNUITY RETIREMENT SYSTEM.**

15 1. The state board of education shall establish an
 16 eligible alternative pension and annuity retirement
 17 system, hereafter called the "retirement system",
 18 effective July 1, 2006, for elementary and secondary
 19 school teachers employed by a school district or area
 20 education agency pursuant to the requirements of this
 21 section. The state board of education shall be the

22 plan sponsor of the retirement system and shall file
23 an application for a favorable determination letter
24 for the retirement system with the internal revenue
25 service.

26 2. The state board of education shall select a
27 provider of the retirement system that is a financial
28 institution capable of providing bundled services for
29 the retirement system, including, but not limited to,
30 administration, investment management, employee
31 education, and recordkeeping. In selecting a
32 provider, the state board of education shall place
33 primary emphasis on the reasonableness of services in
34 relation to cost, the ability and experience of the
35 provider in providing bundled retirement services to
36 the educational community, the financial stability of
37 the provider, and the ability of the provider to
38 provide services as required by this section.

39 3. To be an eligible alternative retirement
40 benefits system, the retirement system shall meet the
41 following requirements:

42 a. The retirement system shall be an employer-
43 sponsored defined contribution plan requiring
44 mandatory employer contributions that meet the
45 requirements of section 401(a) of the Internal Revenue
46 Code.

47 b. The employer's and employee's annual
48 contribution in dollars under an eligible alternative
49 retirement benefits system described in this section
50 shall equal, but not exceed, the annual contribution

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1 in dollars which the employer and employee would
2 contribute if the employee had elected to remain an
3 active member pursuant to the Iowa public employees'
4 retirement system, as set forth in section 97B.11.
5 Contributions under the retirement system shall be
6 treated in the same manner as contributions under the
7 Iowa public employees' retirement system are treated
8 pursuant to section 97B.11A.

9 c. Employer and employee contributions under the
10 retirement system shall be fully vested immediately.

11 d. Upon termination of employment as an elementary
12 or secondary school teacher employed by a school
13 district or area education agency, the teacher shall
14 be eligible to receive a benefit payable in at least
15 any of the following forms:

16 (1) Payment of all or part of the teacher's
17 account balance in the retirement system in a lump
18 sum.

19 (2) Payment based on the teacher's account balance
20 in the retirement system in monthly, quarterly, or

21 annual installments over a fixed reasonable period of
 22 time, not exceeding the life expectancy of the teacher
 23 and the teacher's beneficiary, if applicable.

24 (3) Payment based on the teacher's account balance
 25 in the form of a single life or joint life and
 26 survivorship annuity.

27 4. Persons employed by a school district or area
 28 education agency as an elementary or secondary school
 29 teacher on or after July 1, 2006, may elect coverage
 30 under the retirement system established in this
 31 section in lieu of coverage under the Iowa public
 32 employees' retirement system, pursuant to the
 33 requirements of section 97B.42.

34 Sec.____. Section 347.14, Code 2005, is amended by
 35 adding the following new subsection:

36 **NEW SUBSECTION. 17.** Provide an eligible
 37 alternative retirement benefits system offered through
 38 the county hospital pursuant to this subsection which
 39 is issued by or through an insurance company
 40 authorized to issue annuity contracts in this state
 41 for persons employed by the county hospital in lieu of
 42 coverage under the Iowa public employees' retirement
 43 system. For purposes of this subsection, "eligible
 44 alternative retirement benefits system" means an
 45 employer-sponsored primary pension plan requiring
 46 mandatory employer contributions that meets the
 47 requirements of section 401(a), 401(k), 403(a), or
 48 403(b) of the Internal Revenue Code.

49 Sec.____. Section 392.6, Code 2005, is amended by
 50 adding the following new unnumbered paragraph:

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1 **NEW UNNUMBERED PARAGRAPH.** The board of trustees
 2 may provide an eligible alternative retirement
 3 benefits system offered through the city hospital
 4 pursuant to this paragraph which is issued by or
 5 through an insurance company authorized to issue
 6 annuity contracts in this state for persons employed
 7 by the city hospital in lieu of coverage under the
 8 Iowa public employees' retirement system. For
 9 purposes of this paragraph, "eligible alternative
 10 retirement benefits system" means an employer-
 11 sponsored primary pension plan requiring mandatory
 12 employer contributions that meets the requirements of
 13 section 401(a), 401(k), 403(a), or 403(b) of the
 14 Internal Revenue Code."

15 3. By renumbering as necessary.

Kurtenbach of Story offered the following amendment H-1265, to amendment H-1262, filed by him from the floor and moved its adoption:

H-1265

1 Amend the amendment, H-1262, to House File 729 as
2 follows:
3 1. Page 1, line 8, by inserting after the words
4 "who is" the following: "newly".
5 2. Page 1, line 10, by inserting after the word
6 "teacher" the following: "on or after July 1, 2006,".
7 3. Page 1, by striking lines 20 through 39 and
8 inserting the following: "chapter, as set forth in
9 section 97B.11. A person hired on or after July 1,
10 2006,".
11 4. Page 2, line 5, by inserting after the words
12 "who is" the following: "newly".
13 5. Page 2, line 5, by inserting after the word
14 "hospital" the following: "on or after July 1,
15 2006,".
16 6. Page 2, by striking lines 16 through 33 and
17 inserting the following: "chapter, as set forth in
18 section 97B.11. A person hired on or".
19 7. Page 3, by striking lines 26 through 32 and
20 inserting the following:
21 "2. The state board of education shall select
22 providers of the retirement system that are insurance
23 companies authorized to issue annuity contracts in
24 this state that are capable of providing bundled
25 services for the retirement system, including, but not
26 limited to, administration, investment management,
27 employee education, and recordkeeping. The state
28 board of education may limit the number of providers
29 offered pursuant to this subsection to no more than
30 six. The selection by the state board of education of
31 a provider of the retirement system pursuant to this
32 subsection shall not constitute an endorsement of the
33 provider by the state board of education. In
34 selecting providers, the state board of education
35 shall place".

A non-record roll call was requested.

The ayes were 49, nays 39.

Amendment H-1265 was adopted.

Mascher of Johnson rose on a point of order that amendment H-1262, as amended, was not germane.

The Speaker ruled the point not well taken and amendment H-1262, as amended, germane.

Kurtenbach of Story moved the adoption of amendment H-1262, as amended.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 45, nays 54.

Amendment H-1262, as amended, lost.

Elgin of Linn offered the following amendment H-1058 filed by him and moved its adoption:

H-1058

- 1 Amend House File 729 as follows:
- 2 1. Page 12, by inserting after line 2 the
- 3 following:
- 4 "Sec. ____ Section 602.9107A, Code 2005, is
- 5 repealed."
- 6 2. By renumbering as necessary.

Amendment H-1058 was adopted.

Elgin of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 729)

The ayes were, 94:

Anderson	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann

Kressig	Kuhn	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, 5:

Alons	Hoffman	Kurtenbach	Van Engelenhoven
Wildurdyke			

Absent or not voting, 1:

Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 61 WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw House File 61 from further consideration by the House.

HOUSE FILE 603 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 603 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 729** be immediately messaged to the Senate.

House File 793, a bill for an act relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election,

relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, striking the authority of the state or county commissioner to issue a notice of a technical infraction, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, imposing a prohibition on absentee ballot couriers, prohibiting certain communications when absentee ballots are being counted, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, striking a requirement related to counting federal write-in ballots, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, requiring identification of certain voter registrants, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, requiring verification of certain information on all voter registrations received by mail, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions, was taken up for consideration.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-1210, filed by him on March 29, 2005, placing out of order amendment H-1264 filed by Zirkelbach of Jones from the floor.

Jochum of Dubuque offered amendment H-1104 filed by her as follows:

H-1104

1 Amend House File 793 as follows:

2 1. Page 5, by striking lines 12 through 30.

3 2. Page 5, by inserting before line 31, the
4 following:

5 "Sec. ____ Section 49.13, Code 2005, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 5. The commissioner may appoint
8 high school students who are not yet qualified to be
9 registered voters to serve as precinct election board
10 members.

11 a. To qualify to serve as a precinct election
12 board member, a high school student shall:

13 (1) Be a United States citizen.

14 (2) Be a junior or senior in good standing
15 enrolled in a public or private secondary school in
16 Iowa.

17 (3) Have a cumulative grade point average
18 equivalent to at least 2.0 on a 4.0 scale.

19 (4) At the time of appointment, have the written
20 approval of the principal of the secondary school the
21 student attends.

22 (5) Have the written approval of the student's
23 parent or legal guardian.

24 (6) Have satisfactorily completed the training
25 course for election officials.

26 (7) Meet all other qualifications for appointment
27 and service as an election board member except the
28 requirement of being a registered voter.

29 b. No more than one student precinct election
30 board member may serve on each precinct election
31 board.

32 c. Student precinct election board members shall
33 not serve as the chairperson of a precinct election
34 board.

35 d. Before serving at a partisan election, the
36 student election precinct board member must certify in
37 writing to the commissioner the political party with
38 which the student is affiliated.

39 e. Student precinct election board members shall
40 not be counted as absent from school on the day they
41 serve as election officials.

42 f. Student precinct election board members shall
43 not be allowed to work more hours than allowed under
44 the applicable labor laws."

45 3. Page 6, by inserting after line 16, the
46 following:

47 "Sec. ____ Section 49.15, Code 2005, is amended by
 48 adding the following new unnumbered paragraph:
 49 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
 50 election board panels, the commissioner may use

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1 student precinct election board members appointed
 2 pursuant to section 49.13, subsection 5."

3 4. By striking page 7, line 25, through page 8,
 4 line 1.

5 5. By striking page 10, line 35, through page 11,
 6 line 1, and inserting the following: "ballots to
 7 absent voters as provided by sections 53.8, 53.10, and
 8 53.11. The printed ballots shall be subject to the".

9 6. Page 11, line 16, by striking the figures
 10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 11 53.11".

12 7. Page 11, line 25, by striking the figures
 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 14 53.11".

15 8. Page 11, line 35, by striking the figures
 16 "~~53.11~~ 53.10," and inserting the following: "53.10 or
 17 53.11,".

18 9. Page 16, by striking line 4.

19 10. Page 17, by inserting before line 3, the
 20 following:

21 "Sec. ____ NEW SECTION. 48A.9A ELECTION DAY
 22 REGISTRATION.

23 1. Notwithstanding any other provision to the
 24 contrary, an individual who is eligible to vote may
 25 register on election day by appearing in person at the
 26 polling place for the precinct in which the individual
 27 maintains residence, by completing a registration
 28 application, making an oath in the form prescribed by
 29 the secretary of state, and providing proof of
 30 residence. An individual may prove residence for
 31 purposes of registering by doing any of the following:

32 a. Presenting an Iowa driver's license or Iowa
 33 nonoperator's identification card.

34 b. Presenting any document approved by the
 35 secretary of state as proper identification.

36 c. Presenting one of the following:

37 (1) A current valid student identification card
 38 from a postsecondary educational institution in Iowa,
 39 if a list of students from that institution has been
 40 prepared and certified to the county auditor in the
 41 manner provided in rules of the secretary of state.

42 (2) A current student fee statement that contains
 43 the student's valid address in the precinct together
 44 with a picture identification card.

45 d. Having a voter who is register to vote in the

46 precinct sign an oath in the presence of the precinct
47 election official vouching that the voter personally
48 knows that the individual is a resident of the
49 precinct. A voter who has been vouched for on
50 election day may not sign a proof of residence oath

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1 vouching for any other individual on that election
2 day.
3 2. The precinct election official responsible for
4 election day registration shall initial each completed
5 registration application.
6 3. Registration at the polling place on election
7 day shall be conducted by a precinct election official
8 designated by the commissioner. The precinct election
9 official who registers an individual at the polling
10 place on election day shall not handle that voter's
11 ballots at any time prior to the opening of the ballot
12 box after the voting ends. Registration forms and
13 forms for oaths shall be available at each polling
14 place. If an individual who registers on election day
15 proves residence by oath of a registered voter, the
16 form containing the oath shall be attached to the
17 individual's registration card. Registration cards
18 completed on election day shall be forwarded to the
19 commissioner of registration who shall add the name of
20 each voter to the registration system unless the
21 information forwarded is substantially deficient. A
22 commissioner of registration who finds an election day
23 registration substantially deficient shall give
24 written notice to the individual whose registration is
25 found deficient. An election day registration shall
26 not be found deficient solely because the individual
27 who vouched for proof of residence was ineligible to
28 do so."

29 11. Page 52, by inserting before line 32, the
30 following:

31 "DIVISION _____
32 MAIL BALLOT ELECTIONS
33 Sec. __. NEW SECTION. 49B.1 MAIL BALLOT
34 ELECTIONS.

35 A mail ballot election may be conducted in cities
36 with a population of two hundred or less as provided
37 in this chapter.

38 Sec. __. NEW SECTION. 49B.2 DEFINITIONS.

39 As used in this chapter, unless the context
40 otherwise requires:

41 1. "Election day" is the date established by law
42 on which a particular election would be held if that
43 election were being conducted by means other than a
44 mail ballot election.

45 2. "Return verification envelope" means an
46 envelope that contains a secrecy envelope and that is
47 designed to allow election officials, upon examination
48 of the outside of the envelope, to determine that the
49 ballot is being submitted by someone who is in fact a
50 registered voter and who has not already voted.

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1 3. "Secrecy envelope" means an envelope that is
2 used to contain the elector's ballot and that is
3 designed to conceal the voter's vote and to prevent
4 the voter's ballot from being distinguished from the
5 ballots of other voters.

6 Sec. . NEW SECTION. 49B.3 MAIL BALLOT
7 ELECTION PROCEDURE.

8 The state commissioner of elections shall prescribe
9 uniform procedures and forms to be used in the conduct
10 of mail ballot elections.

11 Sec. . NEW SECTION. 49B.4 INITIATION BY
12 GOVERNING BODY.

13 1. If the city council of a city with a population
14 of two hundred or less determines that it is
15 economically and administratively feasible to conduct
16 the regular city election or a special city election
17 by mail, the city council, by resolution, may require
18 the county commissioner of elections to conduct the
19 election under this chapter by filing the resolution
20 with the county commissioner not later than ninety
21 days before the date of the election.

22 2. After the resolution is filed, the county
23 commissioner shall prepare a written plan for
24 conducting the election as provided in section 49B.5.
25 At least seventy-one days before the date set for the
26 election, the county commissioner shall forward a copy
27 of the written plan to the city council concerned.

28 Sec. . NEW SECTION. 49B.5 WRITTEN PLAN FOR
29 CONDUCTING ELECTION - AMENDMENTS - APPROVAL
30 PROCEDURE.

31 1. The county commissioner shall prepare a written
32 plan, including a timetable, for conducting a mail
33 ballot election and shall submit it to the state
34 commissioner of elections at least seventy-one days
35 before the date of the election.

36 2. The plan may be amended by the county
37 commissioner any time before the sixty-fourth day
38 before the date of the election by notifying the state
39 commissioner of elections in writing of any changes.

40 3. Within five days after receiving the plan, and
41 as soon as possible after receiving any amendments,
42 the state commissioner of elections shall approve,
43 disapprove, or recommend changes to the plan or

44 amendments. The final plan shall be approved and
45 available to the public at least two days before the
46 deadline for candidates to file nomination papers in
47 the office of the city clerk.

48 4. When the written plan has been approved, the
49 county commissioner shall proceed to conduct the
50 election according to the approved plan.

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1 Sec. . NEW SECTION. 49B.6 PUBLICATION OF
2 NOTICE.

3 The county commissioner shall, not more than ten
4 days and not less than four days before the date that
5 ballots are to be mailed, publish notice that a mail
6 ballot election will be conducted. The notice shall
7 be published in a newspaper of general circulation in
8 each city for which the mail ballot election will be
9 conducted. The notice shall include all of the
10 following information:

11 1. The date ballots will be mailed.

12 2. The last day that a voter can request an
13 absentee ballot.

14 3. Voter registration deadlines.

15 4. Location or locations where mail ballots can be
16 deposited pursuant to section 49B.13.

17 5. Instructions for obtaining a replacement ballot
18 if a voter's ballot is destroyed, spoiled, lost, or
19 not received pursuant to section 49B.9.

20 The county commissioner is not required to publish
21 a sample ballot.

22 Sec. . NEW SECTION. 49B.7 MAILING BALLOTS.

23 1. Official ballots for a mail ballot election
24 shall be prepared and all other initial procedures for
25 elections shall be followed as otherwise provided by
26 law.

27 2. The county commissioner of elections shall mail
28 an official ballot to every registered voter of the
29 city conducting the election on a date not sooner than
30 the twentieth day before the date of the election and
31 not later than the tenth day before the date of the
32 election. An exception shall be made for those
33 ballots delivered as prescribed in section 49B.12.

34 3. All ballots shall be mailed by first class
35 mail.

36 4. Ballots mailed by the county commissioner shall
37 be addressed to the address of each voter appearing in
38 the registration records of the city, and placed in an
39 envelope which is prominently marked "Do Not Forward".

40 5. The ballot shall contain the following warning:

41 "Any person who, by use of violence, threats of
42 violence, or any means of duress, procures the vote of

43 a voter for or against any measure or candidate is
44 subject, upon conviction, to imprisonment or to a
45 fine, or both."
46 Sec. __. NEW SECTION. 49B.8 REGISTRATION.
47 The county commissioner shall not mail a ballot
48 under this chapter to any voter not registered thirty
49 days before the date of the election. Voters
50 registered less than thirty days before the date of

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1 the election, but before the close of registration,
2 may apply for a ballot under section 49B.9.
3 Sec. __. NEW SECTION. 49B.9 REPLACEMENT
4 BALLOTS.
5 If the mail ballot is destroyed, spoiled, lost, or
6 not received by the voter, or if the voter was
7 registered less than thirty days before the date of
8 the election but before the close of registration, the
9 voter may obtain a replacement ballot from the county
10 commissioner as provided in this section. A voter
11 seeking a replacement ballot shall sign a statement,
12 on a form prescribed by the state commissioner, that
13 the ballot was destroyed, spoiled, lost, or not
14 received, or that the voter was registered less than
15 thirty days before the date of the election but before
16 the close of registration. The voter or the voter's
17 designee shall deliver the statement to the county
18 commissioner before noon on the date of the election.
19 The voter may mail the statement to the county
20 commissioner. However, a county commissioner shall
21 not transmit a ballot by mail under this section
22 unless the statement is received before five p.m. on
23 the fourth day before the date of the election. When
24 a statement is timely received under this section, the
25 county commissioner shall give the ballot to the voter
26 if the voter is present in the office of the county
27 commissioner, or promptly mail the ballot to the voter
28 at the address contained in the statement, except when
29 prohibited by this section. If the voter is present
30 in the county commissioner's office, the ballot shall
31 be voted at that time. The county commissioner shall
32 keep a record of each replacement ballot provided
33 under this section. If a voter, having received and
34 voted a replacement ballot as provided under this
35 section, later finds the lost ballot, the voter shall
36 return the lost ballot to the county commissioner.
37 Sec. __. NEW SECTION. 49B.10 VOTING AND RETURN
38 OF BALLOT.
39 1. A registered voter, upon receipt of a mail
40 ballot, shall mark the ballot in such a manner that no
41 other person will know how the ballot is marked and

42 shall place it in the secrecy envelope provided with
43 the ballot.
44 A voter who is blind, cannot read, or because of a
45 physical disability is unable to mark the ballot, may
46 be assisted by any person selected by the voter.
47 2. The voter shall place the secrecy envelope
48 containing the ballot in the return verification
49 envelope and sign and securely seal the return
50 verification envelope. The sealed return verification

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1 envelope shall be returned to the county commissioner
2 by one of the following methods:

3 a. The sealed return verification envelope may be
4 delivered by the registered voter or the voter's
5 designee to the county commissioner's office or a
6 place designated by the commissioner no later than the
7 time the polls close on election day.

8 b. The sealed return verification envelope may be
9 mailed, postage paid, to the county commissioner. In
10 order for the ballot to be counted, the return
11 verification envelope must be clearly postmarked by an
12 officially authorized postal service not later than
13 the day before the election and received by the county
14 commissioner not later than the time established for
15 the canvass by the board of supervisors for that
16 election. The county commissioner shall contact the
17 post office serving the county commissioner's office
18 at the latest practical hour before the canvass by the
19 board of supervisors for that election, and shall
20 arrange for return verification envelopes received in
21 that post office but not yet delivered to the
22 commissioner's office to be brought to the
23 commissioner's office before the canvass for that
24 election by the board of supervisors.

25 Sec. ____ **NEW SECTION.** 49B.11 ABSENTEE BALLOTS.

26 1. A registered voter who will be absent from the
27 city during the time when the ballots are mailed may
28 do either of the following:

29 a. Vote in person in the county commissioner's
30 office as soon as ballots are available and until noon
31 the day before the ballots are scheduled to be mailed.

32 b. Make a written request, signed by the voter and
33 addressed to the county commissioner, that the ballot
34 be mailed to an address other than that which appears
35 on the voter's registration record. Written requests
36 shall be accepted until noon the day before the
37 ballots are scheduled to be mailed.

38 2. Ballots mailed to voters pursuant to this
39 section shall be mailed the same day that all other
40 ballots are mailed.

41 Sec. . NEW SECTION. 49B.12 BALLOTING BY
42 CONFINED PERSONS.

43 A person who is a resident or patient in a health
44 care facility or hospital located in the county in
45 which the election is to be held shall not be mailed a
46 ballot but shall have a ballot delivered in the manner
47 prescribed by section 53.22, subsection 1.

48 Sec. . NEW SECTION. 49B.13 PERSONAL DELIVERY
49 OF MAIL BALLOT – BALLOT DROPOFF STATIONS.

50 A ballot dropoff station for the deposit of mail

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1 ballots may be established in the city conducting the
2 mail ballot election at the direction of the county
3 commissioner. A ballot dropoff station established at
4 the direction of the commissioner shall be open from
5 eight a.m. until five p.m. on the day of the election.

6 Sec. . NEW SECTION. 49B.14 RECEIPT OF BALLOT
7 – SIGNATURE VERIFICATION.

8 When a mail ballot is returned, the county
9 commissioner, or the county commissioner's designees,
10 shall first examine the return verification envelope
11 to determine whether it was submitted by a registered
12 voter who has not previously voted. A ballot shall be
13 counted only if it is returned in the return
14 verification envelope, the envelope is signed by the
15 voter to whom the ballot is issued, and the signature
16 has been verified as provided in this section.

17 The county commissioner or the county
18 commissioner's designees shall verify the signature of
19 each voter on the return verification envelope with
20 the signature in the voter's registration records and
21 may commence verification at any time before election
22 day. If a voter to whom a replacement ballot has been
23 issued under section 49B.9 returns more than one
24 ballot, only the replacement ballot shall be counted.

25 If the voter's signature is verified and the ballot
26 is otherwise valid, the county commissioner or the
27 county commissioner's designees shall deposit the
28 ballot unopened in an official ballot box.

29 Sec. . NEW SECTION. 49B.15 PROCEDURE FOR
30 INVALID BALLOTS.

31 If the county commissioner is not convinced that
32 the individual who signed the return verification
33 envelope is the voter whose name appears on the
34 registration card, the county commissioner shall not
35 deposit the ballot in a ballot box but shall do all of
36 the following:

37 1. Give notice to the voter as follows:

38 a. As soon as possible after receipt of a voter's
39 ballot, give notice to the voter, either by telephone

40 or by first class mail, if the county commissioner is
41 unable to verify the voter's signature.
42 b. Inform the voter that the voter may appear in
43 person at the county commissioner's office before the
44 close of the polls on election day and verify the
45 signature.
46 2. Permit any voter appearing pursuant to
47 subsection 1, paragraph "b", to:
48 a. Verify the voter's signature, after proof of
49 identification, by affirming that the signature is in
50 fact the voter's or by completing a new registration

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1 card containing the voter's current signature.
2 b. If necessary, request and receive a replacement
3 ballot and vote at that time.
4 3. If the discrepancy is not rectified to the
5 county commissioner's satisfaction, present the
6 unopened envelope and the registration card to the
7 special precinct election board for a determination.
8 If the election board is unable to resolve the issue
9 to its satisfaction, the ballot shall not be counted.
10 Sec. . NEW SECTION. 49B.16 COUNTING BALLOTS.
11 Mail ballots shall be counted in the manner
12 prescribed by section 53.23 for absentee ballots. The
13 county commissioner shall supervise the procedures for
14 the handling, counting, and canvassing of ballots to
15 ensure the safety and confidentiality of all ballots.
16 Sec. . NEW SECTION. 49B.17 CHALLENGES.
17 Votes cast pursuant to this chapter may be
18 challenged in the manner prescribed by section 53.31
19 for absentee ballots.
20 Sec. . NEW SECTION. 49B.18 CANVASS OF VOTES.
21 The provisions of chapter 50 relating to canvass of
22 votes apply to this chapter only to the extent they do
23 not conflict with this chapter.
24 Sec. . NEW SECTION. 49B.19 OTHER LAWS.
25 All laws which apply to elections apply to mail
26 ballot elections held under this chapter to the extent
27 applicable.
28 Sec. . NEW SECTION. 49B.20 RULES.
29 The state commissioner of elections shall adopt
30 rules pursuant to chapter 17A to govern the procedures
31 and forms necessary to administer this chapter. The
32 authority of the state commissioner to adopt rules
33 under this chapter shall be liberally construed.
34 Sec. . NEW SECTION. 49B.21 MISCONDUCT -
35 VIOLATIONS - PENALTIES.
36 A person who violates or attempts to violate any
37 provision or requirement of this chapter for which a
38 penalty is not otherwise provided under chapter 39A

39 commits a simple misdemeanor.

40 Sec. . NEW SECTION. 39.2A MAIL BALLOT
41 ELECTIONS.

42 All mail ballot elections shall be conducted
43 pursuant to chapter 49B.

44 Sec. . APPLICABILITY DATE. This division of
45 this Act applies to elections held on or after January
46 1, 2006.

47 DIVISION
48 CITIZENS' RIGHT TO VOTE

49 Sec. . FINDINGS AND PURPOSE. The general
50 assembly finds that the 2000 general election exposed

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1 serious flaws in our nation's voting systems. The
2 pattern of turning away or discouraging voters
3 continued in 2004, due to voter intimidation and
4 suppression tactics as well as communications failures
5 and mistakes.

6 In order to protect the right to vote for all its
7 citizens, the state recognizes the need to criminalize
8 voter intimidation and voter suppression, require a
9 voting bill of rights to be posted at every precinct
10 polling place, and provide precinct election officials
11 with a manual of election procedures to use on
12 election day.

13 Sec. . Section 39A.2, subsection 1, paragraph
14 c, Code 2005, is amended by adding the following new
15 subparagraphs:

16 NEW SUBPARAGRAPH. (4) To refrain from registering
17 to vote, voting, or attempting to register to vote.

18 NEW SUBPARAGRAPH. (5) To vote, or to refrain from
19 voting, for any particular candidate or ballot
20 measure.

21 Sec. . Section 39A.2, subsection 1, Code 2005,
22 is amended by adding the following new paragraph:

23 NEW PARAGRAPH. f. SUPPRESSION.

24 (1) Challenges a person's right to vote based on
25 knowingly false information.

26 (2) Attempts to induce a person to refrain from
27 registering to vote or from voting by providing that
28 person with knowingly false information.

29 (3) Attempts to induce a person to refrain from
30 registering to vote, or to refrain from voting, at the
31 proper place or time by providing that person with
32 knowingly false information about the manner in which
33 an eligible elector may register to vote or about an
34 election.

35 Sec. . Section 47.1, Code 2005, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 6. The state commissioner shall

38 create a manual of election procedures that provides
39 uniform polling place procedures to guide precinct
40 election officials in the proper implementation of the
41 election laws. The manual shall be indexed by subject
42 and written in clear and unambiguous language. The
43 manual shall provide specific examples of common
44 problems encountered at the polls on election day, and
45 detail specific procedures for resolving those
46 problems. The manual shall include, but not be
47 limited to, the following:
48 a. Regulations governing solicitation by
49 individuals and groups at the polling place.
50 b. Procedures to be followed with respect to

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1 voters whose names are not on the precinct register.
2 c. Proper operation of the voting system or voting
3 machine in use at the polling place.
4 d. Procedures for handling ballots.
5 e. Procedures governing spoiled ballots.
6 f. Procedures to be followed after the polls
7 close.
8 g. The rights of voters at the polls.
9 h. Procedures for handling emergency situations.
10 i. Procedures for handling and processing
11 provisional ballots.
12 j. Security procedures.
13 The manual shall be adopted by rule pursuant to
14 chapter 17A. The manual shall be revised from time to
15 time as may be necessary and the revisions shall be
16 adopted by rule in the same manner as the original
17 manual.
18 The county commissioner of elections shall provide
19 a copy of the manual, in paper or electronic format,
20 to each precinct polling place on election day. The
21 manual may be used to supplement the training manual
22 required by section 49.126 when conducting the
23 training course required by section 49.124.
24 Sec. __. Section 49.68, Code 2005, is amended to
25 read as follows:
26 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.
27 1. The state commissioner with the approval of the
28 attorney general shall prepare, and from time to time
29 revise, written instructions to the voters relative to
30 voting, and shall furnish each commissioner with
31 copies of the instructions. Such instructions shall
32 cover the following matters:
33 ~~1.~~ a. The manner of obtaining ballots.
34 ~~2.~~ b. The manner of marking ballots.
35 ~~3.~~ c. That unmarked or improperly marked ballots
36 will not be counted.

- 37 4. d. The method of gaining assistance in marking
 38 ballots.
- 39 5. e. That any erasures or identification marks,
 40 or otherwise spoiling or defacing a ballot, will
 41 render it invalid.
- 42 6. f. Not to vote a spoiled or defaced ballot.
- 43 7. g. How to obtain a new ballot in place of a
 44 spoiled or defaced one.
- 45 8. h. Any other matters ~~thought~~ determined
 46 necessary.
- 47 2. Another set of instructions, which shall be
 48 known as the Iowa voter bill of rights, shall inform
 49 the voter as to the following matters:
- 50 a. That the voter has the right to inspect a

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- 1 sample ballot before voting.
- 2 b. That the voter has the right to cast a ballot
 3 if the voter is on the premises of the voter's
 4 precinct polling place at the time the polling place
 5 is to be closed.
- 6 c. That the voter has the right to ask for and
 7 receive assistance in voting, including assistance in
 8 languages other than English if required by federal or
 9 state law.
- 10 d. That the voter has the right to return a
 11 spoiled ballot to the precinct election officials and
 12 receive another ballot, but no more than three
 13 ballots, including the one first delivered, may be
 14 received by the voter.
- 15 e. That the voter has the right to cast a
 16 provisional ballot if the voter's eligibility to vote
 17 is in question.
- 18 f. That the voter has the right to cast a ballot
 19 free from coercion or intimidation by any person,
 20 including election officials.
- 21 g. That the voter has the right to cast a ballot
 22 using voting equipment that accurately counts all
 23 votes properly cast.
- 24 h. Any other matters determined necessary.
- 25 3. In any political subdivision or precinct where
 26 federal or state law requires the ballot to be made
 27 available in a language other than English, the sets
 28 of instructions required by this section shall also be
 29 made available in such language.
- 30 Sec.____. Section 49.70, Code 2005, is amended to
 31 read as follows:
- 32 49.70 PRECINCT ELECTION OFFICIALS FURNISHED
 33 INSTRUCTIONS.
- 34 The commissioner shall cause copies of the
 35 foregoing each set of instructions described in

36 section 49.68 to be printed in large, clear type,
37 under the heading headings of "Instructions for
38 Voters" Marking Ballots" and "Iowa Voter Bill of
39 Rights", and shall furnish the precinct election
40 officials with a sufficient number of such each set of
41 instructions as will enable them to comply with
42 section 49.71.
43 Sec. ___. Section 49.71, Code 2005, is amended to
44 read as follows:
45 49.71 POSTING INSTRUCTION CARDS AND SAMPLE
46 BALLOTS.
47 The precinct election officials, before the opening
48 of the polls, shall cause ~~the~~ each set of instructions
49 ~~for voters~~ required pursuant to section 49.70 to be
50 securely posted as follows:

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1 1. One copy of instructions for marking ballots in
2 each voting booth.
3 2. Not less than four copies of each set, with an
4 equal number of sample ballots, in and about the
5 polling place.
6 Sec. ___. IMPLEMENTATION OF DIVISION. Section
7 25B.2, subsection 3, shall not apply to this division
8 of this Act."
9 12. Title page 1, by striking lines 5 and 6, and
10 inserting the following: "allowing a county
11 commissioner of elections to appoint certain high
12 school students to serve as precinct election board
13 members, relating to".
14 13. Title page 2, by striking lines 6 and 7, and
15 inserting the following: "ballots, defining voter
16 registration list,".
17 14. Title page 2, line 8, by inserting before the
18 word "requiring" the following: "allowing voter
19 registration at the polls on election day,".
20 15. Title page 2, line 19, by inserting after the
21 word "areas," the following: "allowing elections in
22 certain cities to be conducted by mail ballots and
23 providing penalties, relating to the right of Iowa's
24 citizens to vote,".
25 16. Title page 2, line 20, by inserting after the
26 word "date," the following: "implementation,".
27 17. By renumbering as necessary.

Jochum of Dubuque offered the following amendment H-1179, to
amendment H-1104, filed by her and moved its adoption:

H-1179

- 1 Amend the amendment, H-1104, to House File 793 as
2 follows:
3 1. Page 2, by inserting after line 2, the
4 following:
5 "___ Page 7, by striking lines 6 through 24."
6 2. Page 13, by inserting after line 13, the
7 following:
8 "___ Title page 1, lines 8 and 9, by striking
9 the words "modifying closing hours of the polls,"."
10 3. By renumbering as necessary.

Amendment H-1179 was adopted.

Jochum of Dubuque offered the following amendment H-1180, to amendment H-1104, filed by her and moved its adoption:

H-1180

- 1 Amend the amendment, H-1104, to House File 793 as
2 follows:
3 1. Page 2, by inserting after line 14, the
4 following:
5 "___ Page 11, by inserting before line 26, the
6 following:
7 "Sec. ___. Section 53.11, subsection 1, Code 2005,
8 is amended to read as follows:
9 1. Satellite absentee voting stations may be
10 established at a public place throughout the cities
11 and county at the direction of the commissioner and
12 shall be established upon receipt of a petition signed
13 by not less than one hundred eligible electors
14 requesting that a satellite absentee voting station be
15 established at a ~~location~~ public place to be described
16 on the petition. A satellite absentee voting station
17 established by petition must be open at least one day
18 for a minimum of six hours. A satellite absentee
19 voting station established at the direction of the
20 commissioner or by petition may remain open until five
21 p.m. on the day before the election.
22 Sec. ___. Section 53.11, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 5. For purposes of this section,
25 "public place" means any enclosed indoor area used by
26 the general public including restaurants with a
27 seating capacity greater than twenty, retail stores, a
28 building lobby, malls, educational facilities,
29 hospitals, clinics, nursing homes, other health care

30 and medical facilities, theaters, libraries, art
 31 museums, concert halls, indoor arenas, any location
 32 used as a polling place for a general election, and a
 33 building owned by a city, county, or school
 34 district.""

35 2. By striking page 2, line 45, through page 3,
 36 line 2.

37 3. Page 3, by striking lines 14 through 17, and
 38 inserting the following: "place. Registration
 39 forms".

40 4. Page 3, by striking lines 25 through 28, and
 41 inserting the following: "found deficient.""

42 5. Page 13, by inserting after line 13, the
 43 following:

44 "___ Title page 1, line 16, by inserting after
 45 the word "office," the following: "relating to the
 46 location of satellite absentee voting stations,""

47 6. By renumbering as necessary.

Amendment H-1180 was adopted.

On motion by Jochum of Dubuque, amendment H-1104, as amended, lost.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment H-1116 filed by him on March 21, 2005, placing out of order amendment H-1200 filed by Jacobs of Polk on March 29, 2005 and amendment H-1241 filed by Jacobs of Polk on March 30, 2005.

Gaskill of Wapello offered the following amendment H-1175 filed by her and moved its adoption:

H-1175

1 Amend House File 793 as follows:

2 1. Page 7, by striking lines 6 through 24.

3 2. Page 7, line 25, by inserting after the figure
 4 "3," the following: "unnumbered paragraph 1,".

5 3. Page 7, line 27, by striking the figure "3."

6 4. By striking page 7, line 32 through page 8,
 7 line 1.

8 5. By striking page 10, line 35 through page 11,
 9 line 1, and inserting the following: "ballots to
 10 absent voters as provided by sections 53.8, 53.10, and
 11 53.11. The printed ballots shall be subject to the".

12 6. Page 11, line 16, by striking the figures
 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 14 53.11".

- 15 7. Page 11, line 25, by striking the figures
 16 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 17 53.11".
- 18 8. Page 11, line 35, by striking the figures
 19 "~~53.11~~ 53.10," and inserting the following: "53.10 or
 20 53.11,".
- 21 9. Page 16, by striking line 4.
- 22 10. By striking page 19, line 3, through page 41,
 23 line 12.
- 24 11. Title page 1, lines 8 and 9, by striking the
 25 words "modifying closing hours of the polls,".
- 26 12. Title page 2, by striking lines 6 and 7, and
 27 inserting the following: "ballots, defining voter
 28 registration list,".
- 29 13. Title page 2, by striking lines 15 through
 30 17, and inserting the following: "registration
 31 verification, providing for the".
- 32 14. By renumbering as necessary.

Amendment H-1175 lost.

Jacobs of Polk offered the following amendment H-1196 filed by her and moved its adoption:

H-1196

- 1 Amend House File 793 as follows:
- 2 1. By striking page 10, line 35 through page 11,
 3 line 1, and inserting the following: "ballots to
 4 absent voters as provided by sections 53.8, 53.10, and
 5 53.11. The printed ballots shall be subject to the".
- 6 2. Page 11, line 16, by striking the figures
 7 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 8 53.11".
- 9 3. Page 11, line 25, by striking the figures
 10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 11 53.11".
- 12 4. Page 11, by inserting after line 25 the
 13 following:
 14 "Sec. __. Section 53.11, subsection 1, Code 2005,
 15 is amended to read as follows:
 16 1. Satellite absentee voting stations may be
 17 established throughout the cities and county at the
 18 direction of the commissioner ~~and shall be established~~
 19 ~~upon receipt of a petition signed by not less than one~~
 20 ~~hundred eligible electors requesting that a satellite~~
 21 ~~absentee voting station be established at a location~~
 22 ~~to be described on the petition. A satellite absentee~~
 23 ~~voting station established by petition must be open at~~
 24 ~~least one day for a minimum of six hours. A satellite~~
 25 absentee voting station established at the direction

- 26 of the commissioner ~~or by petition~~ may remain open
 27 until five p.m. on the day before the election.
 28 Sec. __. Section 53.11, subsection 2, Code 2005,
 29 is amended by striking the subsection."
 30 5. Page 11, line 35, by striking the figures
 31 "~~53.11~~ 53.10," and inserting the following: "53.10 or
 32 53.11,".
 33 6. Page 16, by striking line 4.
 34 7. Title page 2, by striking line 6 and inserting
 35 the following: "ballots, relating to establishment of
 36 satellite,".
 37 8. By renumbering as necessary.

Amendment H-1196 was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 793 be deferred and that the bill retain its place on the calendar.

House File 799, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1176 filed by him and moved its adoption:

H-1176

- 1 Amend House File 799 as follows:
 2 1. Page 10, line 21, by striking the word
 3 "annulment" and inserting the following: "dissolution"
 4 of marriage".
 5 2. Page 10, line 23, by striking the word
 6 "annulment" and inserting the following: "affinity".
 7 3. Page 10, by inserting after line 23 the
 8 following:
 9 "Sec. __. Section 633.434, unnumbered paragraph
 10 2, Code 2005, is amended to read as follows:
 11 Upon the expiration of the later to occur of four
 12 months after the date of the second publication of
 13 notice to creditors or one month after the service of
 14 the notice by ordinary mail upon all claimants whose
 15 identities are reasonably ascertainable, at their last
 16 known addresses and whose claims will not or may not
 17 be paid or otherwise satisfied during administration,
 18 the personal representative shall pay the debts and
 19 charges against the estate in accordance with this
 20 probate code. If it appears at any time that the
 21 estate is or may be insolvent, that there are

22 insufficient funds on hand, or that there is other
 23 good and sufficient cause, the personal representative
 24 may report that fact to the court and apply for any
 25 order that the personal representative deems
 26 necessary."

27 4. Page 12, by striking lines 17 through 19 and
 28 inserting the following: "steps to verify the
 29 identity of the person acting as attorney in fact or
 30 agent."

31 5. Page 13, by striking lines 23 through 26 and
 32 inserting the following: "taken reasonable steps to
 33 verify the identity of the person acting as attorney
 34 in fact or agent. The holder of the principal's
 35 property may".

36 6. Page 16, by striking line 22 and inserting the
 37 following: "affinity, and who, subsequent to the
 38 divorce or dissolution of marriage".

39 7. Page 19, line 12, by striking the figure
 40 "633.434;".

41 8. By renumbering as necessary.

Amendment H-1176 was adopted.

SENATE FILE 379 SUBSTITUTED FOR HOUSE FILE 799

Paulsen of Linn asked and received unanimous consent to substitute Senate File 379 for House File 799.

Senate File 379, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, was taken up for consideration.

Paulsen of Linn offered the following amendment H-1204 filed by him and Swaim of Davis and moved its adoption:

H-1204

1 Amend Senate File 379, as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 6, line 12, by striking the word
 4 "decedent" and inserting the following: "decedent,".

5 2. Page 6, line 13, by striking the word
 6 "intestacy" and inserting the following: "intestacy,".

7 3. Page 10, by striking line 15 and inserting the
 8 following: "be reinstated unless otherwise revoked by
 9 the testator, except".

10 4. By renumbering as necessary.

Amendment H-1204 was adopted.

Paulsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 379)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Drake, Presiding

The nays were, none.

Absent or not voting, none

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Rants in the chair at 4:26 p.m.

HOUSE FILE 799 WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw House File 799 from further consideration by the House.

INTRODUCTION OF BILL

House File 830, by Kurtenbach and Struyk, a bill for an act relating to property taxation by increasing the square foot tax on mobile and manufactured homes, modifying the terms and continuing education requirements of local assessors, relating to property assessment guidelines for local assessors, modifying the definition of residential property for purposes of assessment, prohibiting increases of certain property assessment amounts in certain circumstances, and including effective and applicability date and transition provisions.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 379** be immediately messaged to the Senate.

The House resumed consideration of **House File 826**, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations, previously deferred and found on page 996 of the House Journal.

Horbach of Tama asked and received unanimous consent to withdraw amendment H-1261 filed by him on March 30, 2005, placing out of order amendments H-1270 filed by Murphy of Dubuque, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kressig of Back Hawk, 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, Petersen of Polk, Pettengill of Benton, Quirk of Chickasaw, Reasoner of Union, Reichert of Muscatine, Schueller of Jackson, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Swaim of

Davis, D. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Wessel-Kroeschell of Story, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott, Wise of Lee and Zirkelbach of Jones, and H-1271 filed by Murphy of Dubuque, Bell of Jasper, Berry of Black Hawk, Reasoner of Union, Oldson of Polk, Hunter of Polk, Jochum of Dubuque, Miller of Webster, Zirkelbach of Jones, Davitt of Warren, Jacoby of Johnson, Hogg of Linn, Bukta of Clinton, McCarthy of Polk, Lykam of Scott, Whitaker of Van Buren, Ford of Polk, Petersen of Polk, Mertz of Kossuth, Kressig of Black Hawk, Frevert of Palo Alto, D. Olson of Boone, Mascher of Johnson, Kuhn of Floyd, Pettengill of Benton, Wendt of Woodbury, Reichert of Muscatine, Wessel-Kroeschell of Story, Winckler of Scott, Shoultz of Black Hawk, Shomshor of Pottawattamie, Dandekar of Linn, Quirk of Chickasaw, Cohoon of Des Moines, Whitead of Woodbury, Heddens of Story, Lensing of Johnson, Thomas of Clayton, D. Taylor of Linn, Wise of Lee, Smith of Marshall, Gaskill of Wapello, Swaim of Davis, Foege of Linn and Schueller of Jackson, and amendment H-1272 filed by Murphy of Dubuque, Bell of Jasper, Bukta of Clinton, Davitt of Warren, Ford of Polk, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Miller of Webster, Oldson of Polk, Petersen of Polk, Reasoner of Union, Swaim of Davis, Foege of Linn, Schueller of Jackson, D. Taylor of Linn, Berry of Black Hawk, Smith of Marshall, Pettengill of Benton, Wendt of Woodbury, Reichert of Muscatine, Wessel-Kroeschell of Story, Winckler of Scott, Shoultz of Black Hawk, Mertz of Kossuth, Frevert of Palo Alto, Kressig of Black Hawk, D. Olson of Boone, Whitaker of Van Buren, Wise of Lee, Gaskill of Wapello, Zirkelbach of Jones, Shomshor of Pottawattamie, Dandekar of Linn, Quirk of Chickasaw, Cohoon of Des Moines, Whitead of Woodbury, Heddens of Story, Lensing of Johnson, Thomas of Clayton from the floor.

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment H-1268 filed by Greiner of Washington from the floor, was placed out of order.

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. 826)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyeke	Mr. Speaker	
		Rants	

The nays were, 49:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greiner
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

Absent or not voting, none.

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 826** be immediately messaged to the Senate.

The House resumed consideration of **House File 793**, found on pages 1015 through 1016 of the House Journal.

Jacobs of Polk offered amendment H-1199 filed by her as follows:

H-1199

1 Amend House File 793 as follows:

2 1. By striking page 21, line 32, through page 22,
3 line 22.

4 2. Page 23, line 6, by striking the words "~~or a~~
5 ~~special election~~" and inserting the following: "or at
6 a special election".

7 3. Page 23, line 31, by striking the words "~~or a~~
8 ~~special election~~" and inserting the following: "or at
9 a special election".

10 4. By striking page 24, line 5, through page 25,
11 line 19.

12 5. By striking page 25, line 20, through page 34,
13 line 6, and inserting the following:

14 "Sec.____. Section 275.18, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When the boundaries of the territory to be included
17 in a proposed school corporation and the number and
18 method of the election of the school directors of the
19 proposed school corporation have been determined as
20 provided in this chapter, the area education agency
21 administrator with whom the petition is filed shall
22 give written notice of the proposed date of the
23 election to the county commissioner of elections of
24 the county in the proposed school corporation which
25 has the greatest taxable base. The proposed date
26 shall be as soon as possible pursuant to section 39.2,
27 subsections 1, and 2, and 4, and section 47.6,
28 subsections 1 and 2, but not later than November 30 of
29 the calendar year prior to the calendar year in which
30 the reorganization will take effect.

31 Sec.____. Section 275.25, subsection 1, unnumbered
32 paragraph 1, Code 2005, is amended to read as follows:

33 If the proposition to establish a new school
34 district carries under the method provided in this
35 chapter, the area education agency administrator with
36 whom the petition was filed shall give written notice
37 of a proposed date for a special election for
38 directors of the newly formed school district to the
39 commissioner of elections of the county in the
40 district involved in the reorganization which has the
41 greatest taxable base. The proposed date shall be as
42 soon as possible pursuant to section 39.2, subsections
43 1, and 2, and 4, and section 47.6, subsections 1 and
44 2, but not later than the third Tuesday in January of
45 the calendar year in which the reorganization takes
46 effect. The election shall be conducted as provided
47 in section 277.3, and nomination petitions shall be
48 filed pursuant to section 277.4, except as otherwise
49 provided in this subsection. Nomination petitions
50 shall be filed with the secretary of the board of the

Page 2

1 existing school district in which the candidate
2 resides not less than twenty-eight days before the
3 date set for the special school election. The
4 secretary of the board, or the secretary's designee,
5 shall be present in the secretary's office until five
6 p.m. on the final day to file the nomination papers.
7 The nomination papers shall be delivered to the
8 commissioner no later than five p.m. on the twenty-
9 seventh day before the election.

10 Sec. ____ Section 275.55, unnumbered paragraphs 1
11 and 2, Code 2005, are amended to read as follows:

12 The board of the school district shall call a
13 special election to be held ~~not later than forty days~~
14 following the date of the final hearing on the
15 dissolution proposal. The special election may be
16 held at the same time as the regular school election.
17 The proposition submitted to the voters residing in
18 the school district at the special election shall
19 describe each separate area to be attached to a
20 contiguous school district and shall name the school
21 district to which it will be attached. In addition to
22 the description, a map may be included in the summary
23 of the question on the ballot.

24 The board shall give written notice of the proposed
25 date of the election to the county commissioner of
26 elections. The proposed date shall be pursuant to
27 section 39.2, subsections 1, ~~and 2, and 4,~~ and section
28 47.6, subsections 1 and 2. The county commissioner of
29 elections shall give notice of the election by one
30 publication in the same newspaper in which the
31 previous notice was published about the hearing, which
32 publication shall not be less than four nor more than
33 twenty days prior to the election.

34 Sec. ____ Section 277.2, Code 2005, is amended to
35 read as follows:

36 277.2 SPECIAL ELECTION.

37 The board of directors in a school corporation may
38 call a special election, on the dates specified in
39 section 39.2, subsection 4, paragraph "c", at which
40 the voters shall have the powers exercised at the
41 regular election with reference to the sale of school
42 property and the application to be made of the
43 proceeds, the authorization of seven members on the
44 board of directors, the authorization to establish or
45 change the boundaries of director districts, and the
46 authorization of a voter-approved physical plant and
47 equipment levy or indebtedness, as provided by law."

48 6. Page 34, line 22, by inserting after the words
49 "submitted at" the following: "a special election or
50 at".

Page 3

- 1 7. Page 35, lines 8 and 9, by striking the words
- 2 "second Tuesday in March" and inserting the following:
- 3 "first special election date, pursuant to section
- 4 39.2, subsection 4, paragraph "a",".
- 5 8. Page 38, line 5, by striking the figure "39.2"
- 6 and inserting the following: "39.2, subsection 4,
- 7 paragraph "b"".
- 8 9. Page 38, line 29, by striking the figure
- 9 "39.2" and inserting the following: "39.2, subsection
- 10 4, paragraph "b"".
- 11 10. Page 40, by striking lines 9 through 11, and
- 12 inserting the following: "general election or at a
- 13 special election ~~held at any time other than the time~~
- 14 ~~of a city regular election.~~ The election shall not be
- 15 held sooner than".
- 16 11. Page 41, by striking line 10.
- 17 12. By renumbering as necessary.

Jacobs of Polk offered amendment H-1284, to amendment H-1199, filed by her from the floor and requested division as follows:

H-1284

- 1 Amend the amendment, H-1199, to House File 793 as
- 2 follows:

H-1284 A

- 3 1. By striking page 1, line 2, through page 3,
- 4 line 16, and inserting the following:
- 5 " . By striking page 19, line 3, through page
- 6 41, line 12."

H-1284 B

- 7 2. Page 3, by inserting before line 17, the
- 8 following:
- 9 " . By striking page 41, line 13, through page
- 10 52, line 31."

H-1284 A

- 11 3. Page 3, by inserting before line 17 the
- 12 following:
- 13 " . Title page 2, lines 15 through 17, by
- 14 striking the words "limiting the dates of special
- 15 elections on public measures for certain political
- 16 subdivisions and school corporations,"."

H-1284 B

17 4. Page 3, by inserting before line 17, the
 18 following:
 19 "___ Title page 2, lines 17 through 19, by
 20 striking the words "providing for the biennial
 21 election of directors of local school districts, area
 22 education agencies, and merged areas,".
 23 ___ Title page 2, by striking line 20 and
 24 inserting the following: "and applicability date
 25 provisions.""

26 5. By renumbering as necessary.

Jacobs of Polk moved the adoption of amendment H-1284A to amendment H-1199.

Amendment H-1284A lost.

Jacobs of Polk moved the adoption of amendment H-1284B to amendment H-1199.

A non-record roll call was requested.

The ayes were 51, nays 42.

Amendment H-1284B was adopted.

Jacobs of Polk moved the adoption of amendment H-1199, as amended.

Amendment H-1199, 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?" (H.F. 793)

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach

Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

The nays were, 48:

Bell	Berry	Bukta	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 1:

Cohoon

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 793** be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing an amendment the following correction was made:

House Amendment H-1247 to Senate File 246

1. Page 3, line 27 – Change the word “minimal” to “criminal”.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 31, 2005. Had I been present, I would have voted "aye" on House File 776.

HUSER of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 2005, he approved and transmitted to the Secretary of State the following bill:

Senate File 71, an act relating to an appropriation from the Environment First Fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eight students from BGM Outstanding Students, Brooklyn, Iowa, accompanied by Kiwanis Members. By Carroll of Poweshiek and De Boef of Keokuk.

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

- | | |
|-----------|---|
| 2005\1024 | Katie Brown, Spirit Lake – For being named to the Second Team Class 3A All State Basketball Team. |
| 2005\1025 | Kelsey Keizer, Milford – For being named to the First Team Class 2A All State Basketball Team. |

- 2005\1026 Central Preschool, Charles City – For celebrating 55 years of service to Iowa's children as the oldest licensed preschool in the State of Iowa.
- 2005\1027 Helen Van Zee, Oskaloosa – For celebrating her 80th birthday.
- 2005\1028 Opal Mae Bequeaith, Oskaloosa – For celebrating her 90th birthday.
- 2005\1029 Cleda Dugger, Oskaloosa – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENT

Senate File 370

Judiciary: Eichhorn, Chair; J. R. Van Fossen and Wessel-Kroeschell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 292

Ways and Means: Kurtenbach, Chair; Huser and Tymeson.

AMENDMENTS FILED

H—1263	H.F.	765	Watts of Dallas
H—1266	H.F.	825	Heaton of Henry
			Kurtenbach of Story
			Granzow of Hardin
			Mascher of Johnson
			Upmeyer of Hancock
H—1269	H.F.	724	Kurtenbach of Story
			Carroll of Poweshiek
			Murphy of Dubuque
			Shoultz of Black Hawk
H—1273	H.F.	820	Ford of Polk
			Whitaker of Van Buren
			Winckler of Scott
			Wessel-Kroeschell of Story
			Mascher of Johnson
			Schueller of Jackson
H—1274	H.F.	825	Petersen of Polk
H—1275	S.F.	206	Rayhons of Hancock
H—1276	H.F.	825	Foege of Linn
H—1277	H.F.	825	Foege of Linn
H—1278	H.F.	825	Smith of Marshall

H—1279	H.F.	825	Foege of Linn Whitaker of Van Buren
H—1280	H.F.	825	Foege of Linn
H—1281	H.F.	825	Foege of Linn
H—1282	S.F.	206	Rayhons of Hancock
H—1283	S.F.	206	Rayhons of Hancock
H—1285	H.F.	825	Petersen of Polk Reichert of Muscatine
H—1286	H.F.	811	Hogg of Linn
H—1287	H.F.	825	Smith of Marshall Foege of Linn Mascher of Johnson
H—1288	H.F.	825	Dix of Butler Heaton of Henry

On motion by Gipp of Winneshiek the House adjourned at 6:03 p.m., until 1:00 p.m., Monday, April 4, 2005.

JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 4, 2005

The House met pursuant to adjournment at 1:18 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Bruce Kittle, Chaplin of the 6th Judicial District Department of Correctional Services, Cedar Rapids. He was the guest of Representative Vicki Lensing from Johnson County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, March 31, 2005 was approved.

SPECIAL PRESENTATION

Foegen Linn introduced to the House, Iowans' who participated in the World Winter Special Olympics in Nagano, Japan.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:35 p.m., until 3:00 p.m.

AFTERNOON SESSION

The House reconvened at 3:15 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS

Regular Calendar

House File 85, a bill for an act eliminating the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders, with report of committee recommending passage, was taken up for consideration.

Tomenga of Polk offered the following amendment H-1079 filed by him and moved its adoption:

H-1079

- 1 Amend House File 85 as follows:
 2 1. Page 1, line 5, by inserting after the word
 3 "filed." the following: "If the first named
 4 respondent on a complaint is not a governmental
 5 entity, service of a true copy on the respondent shall
 6 be by certified mail."
 7 2. Title page, line 1, by striking the word
 8 "eliminating", and inserting the following:
 9 "modifying".

Amendment H-1079 was adopted.

SENATE FILE 215 SUBSTITUTED FOR HOUSE FILE 85

Tomenga of Polk asked and received unanimous consent to substitute Senate File 215 for House File 85.

Senate File 215, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders, was taken up for consideration.

Tomenga 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. 215)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May

McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Mr. Speaker Rants		

The nays were, none.

Absent or not voting, 2:

Ford Taylor, T.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Struyk of Pottawattamie in the chair at 3:21 p.m.

HOUSE FILE 85 WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw House File 85 from further consideration by the House.

House File 538, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date, was taken up for consideration.

Heddens of Story offered the following amendment H-1051 filed by her and moved its adoption:

H-1051

- 1 Amend House File 538 as follows:
- 2 1. Page 2, by inserting after line 33 the
- 3 following:
- 4 "3. If federal approval is received for the waiver
- 5 request described in subsection 1, paragraph "a", the
- 6 department of human services shall convene a review
- 7 committee to advise the department regarding the

8 waiver's implementation. The committee membership may
 9 include but is not limited to juvenile judges, parents
 10 of children participating in the waiver, service
 11 providers, departmental staff, at least two members of
 12 the general assembly, and others with knowledge
 13 concerning the waiver. The committee shall be
 14 convened when there are a sufficient number of
 15 children participating in the waiver for there to be
 16 implementation issues to consider or six months
 17 following the commencement date of the waiver,
 18 whichever is sooner.

19 4. If federal approval is received for the waiver
 20 request described in subsection 1, paragraph "a", the
 21 child or family receiving services under the waiver
 22 shall have access to case management or another form
 23 of service coordination function."

Amendment H-1051 was adopted.

Heddens of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 538)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell

Whitaker
Wise

Whitead
Zirkelbach

Wilderdyke
Struyk,
Presiding

Winckler

The nays were, none.

Absent or not voting, 1:

Ford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 184 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 184 from further consideration by the House.

INTRODUCTION OF BILLS

House File 831, by committee on ways and means, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Read first time and placed on the **ways and means calendar**.

House File 832, by committee on ways and means, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 833, by committee on ways and means, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

Read first time and placed on the **ways and means calendar**.

House File 834, by committee on ways and means, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Read first time and placed on the **ways and means calendar**.

House File 835, by committee on ways and means, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Read first time and placed on the **ways and means calendar**.

House File 836, by committee on ways and means, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Read first time and placed on the **ways and means calendar**.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 538** and **Senate File 215**.

The House stood at ease at 3:39 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Dolecheck of Ringgold in the chair.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing a House File the following correction was made:

House File 227

1. Page 38, line 10 – After “2005,” it should say “are” rather than “is”.

MARGARET A. THOMSON
Chief Clerk of the House

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 4th day of April, 2005: House File 227, 591 and 642.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATIONS RECEIVED

The following communications were 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.

DEPARTMENT OF REVENUE
Iowa Streamlined Sales Tax Advisory

Annual report on the progress of streamlined sales tax work in Iowa, pursuant to Chapter 204, 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

- | | |
|-----------|--|
| 2005\1030 | Colleen Higgins, Sioux City – For celebrating her 80 th birthday |
| 2005\1031 | Emma Haring, Sioux City – For celebrating her 95 th birthday. |
| 2005\1032 | Leone Parson, Sioux City – For celebrating her 94 th birthday. |
| 2005\1033 | Helen Davis, Sioux City – For celebrating her 94 th birthday. |
| 2005\1034 | Charles and Dell Windles, Sioux City – For celebrating their 60 th wedding anniversary. |

- 2005\1035 Dale Collins, Sioux City – For celebrating his 90th birthday.
- 2005\1036 Merlyn Blumer, Ottumwa – For celebrating his 80th birthday.
- 2005\1037 William Briggs, Ottumwa – For celebrating his 80th birthday.
- 2005\1038 Ruth Foy, Ottumwa – For celebrating her 90th birthday.
- 2005\1039 Darrell Smith, Ottumwa – For celebrating his 80th birthday.
- 2005\1040 Mabel Cundiff, Ottumwa – For celebrating her 80th birthday.
- 2005\1041 Norman Melrose, Ottumwa – For celebrating his 80th birthday.
- 2005\1042 Annabelle Beghtol, Ottumwa – For celebrating her 80th birthday.
- 2005\1043 Louella Luckiesh, Ottumwa – For celebrating her 80th birthday.
- 2005\1044 Edna Frost, Ottumwa – For celebrating her 80th birthday.
- 2005\1045 Edward Cullinan, Ottumwa – For celebrating his 80th birthday.
- 2005\1046 Wilma Rosenberger, Nevada – For celebrating her 80th birthday.
- 2005\1047 James and Margaret Elliott, Ames – For celebrating their 75th wedding anniversary.
- 2005\1048 Arlene Johnson, Sioux City – For celebrating her 80th birthday.
- 2005\1049 August Nitzschke, Remsen – For celebrating his 90th birthday.
- 2005\1050 Paul and Carol Clarey, Le Mars – For celebrating their 50th wedding anniversary.
- 2005\1051 Mildred Moffitt, Greenfield – For celebrating her 80th birthday.
- 2005\1052 Caroline Christensen, Audubon – For celebrating her 90th birthday.
- 2005\1053 Viola Ostebee, Audubon – For celebrating her 80th birthday.
- 2005\1054 Merlyn W. Hansen, Brayton – For celebrating his 80th birthday.
- 2005\1055 Nyal Pierce, Guthrie Center – For celebrating his 85th birthday.
- 2005\1056 Dale and Doris Barnes, Greenfield – For celebrating their 55th wedding anniversary.
- 2005\1057 Mattie Dieken, Little Rock – For celebrating her 91st birthday.
- 2005\1058 Fern Fischer, Little Rock – For celebrating her 90th birthday.

- 2005\1059 Maynard and Gertrude Hofman, Sanborn – For celebrating their 60th wedding anniversary.
- 2005\1060 Ruth Sheehan, Clarion – For celebrating her 90th birthday.
- 2005\1061 Elsie Rockow-Shroeder, Dows – For celebrating her 80th birthday.
- 2005\1062 Peter J. Seitz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1063 Matthew J. Kemp, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

Senate File 245

Education: Boal, Chair; Roberts and Wendt.

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

Committee Bill (Formerly House File 692), relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

Committee Bill (Formerly House File 733), relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

Committee Bill (Formerly House File 763), relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

Committee Bill (Formerly House File 783), relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

Committee Bill (Formerly House File 790), making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended **Without Recommendation** March 31, 2005.

Committee Bill (Formerly House File 796), relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 2005.

RESOLUTION FILED

HR 34, by Alons, Baudler, De Boef and Chambers, a resolution supporting the passage of the federal Citizens' Self-Defense Act of 2005.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1289	H.F.	829	Lensing of Johnson
H—1290	H.F.	825	Mascher of Johnson
			Foege of Linn
H—1291	H.F.	829	Alons of Sioux
H—1292	H.F.	825	Heaton of Henry
H—1293	H.F.	827	Greiner of Washington

H—1294	H.F.	827	Lensing of Johnson Jochum of Dubuque Boal of Polk
H—1295	H.F.	825	Petersen of Polk
H—1296	H.F.	825	Thomas of Clayton
H—1297	H.F.	825	Foege of Linn Heaton of Henry
H—1298	H.F.	825	Smith of Marshall
H—1299	H.F.	825	Foege of Linn
H—1300	H.F.	825	Foege of Linn
H—1301	H.F.	825	Heaton of Henry Foege of Linn
H—1302	H.F.	825	Foege of Linn
H—1303	H.F.	825	Zirkelbach of Jones Kressig of Black Hawk
H—1304	H.F.	811	Murphy of Dubuque Berry of Black Hawk Cohoon of Des Moines Davitt of Warren Frevert of Palo Alto Heddens of Story Hunter of Polk Jochum of Dubuque Kuhn of Floyd Lykam of Scott McCarthy of Polk Miller of Webster D. Olson of Boone Petersen of Polk Quirk of Chickasaw Reichert of Muscatine Shomshor of Pottawattamie Swaim of Davis T. Taylor of Linn Wendt of Woodbury Whitaker of Van Buren Winckler of Scott Zirkelbach of Jones
			Bell of Jasper Bukta of Clinton Dandekar of Linn Foege of Linn Gaskill of Wapello Hogg of Linn Jacoby of Johnson Kressig of Black Hawk Lensing of Johnson Mascher of Johnson Mertz of Kossuth Oldson of Polk R. Olson of Polk Pettengill of Benton Reasoner of Union Schueller of Jackson Smith of Marshall D. Taylor of Linn Thomas of Clayton Wessel-Kroeschell of Story Whitead of Woodbury Wise of Lee
H—1305	H.F.	811	Murphy of Dubuque Berry of Black Hawk Cohoon of Des Moines
			Bell of Jasper Bukta of Clinton

Dandekar of Linn
 Foege of Linn
 Gaskill of Wapello
 Hogg of Linn
 Jacoby of Johnson
 Kressig of Black Hawk
 Lensing of Johnson
 Mascher of Johnson
 Mertz of Kossuth
 Oldson of Polk
 R. Olson of Polk
 Pettengill of Benton
 Reasoner of Union
 Schueller of Jackson
 Smith of Marshall
 D. Taylor of Linn
 Thomas of Clayton
 Wessel-Kroeschell of Story
 Whitead of Woodbury
 Wise of Lee
 H—1306 H.F. 811
 Bell of Jasper
 Bukta of Clinton
 Dandekar of Linn
 Foege of Linn
 Gaskill of Wapello
 Hogg of Linn
 Jacoby of Johnson
 Kressig of Black Hawk
 Lensing of Johnson
 Mascher of Johnson
 Mertz of Kossuth
 Oldson of Polk
 R. Olson of Polk
 Pettengill of Benton
 Reasoner of Union
 Schueller of Jackson
 Smith of Marshall
 D. Taylor of Linn
 Thomas of Clayton
 Wessel-Kroeschell of Story

Davitt of Warren
 Frevert of Palo Alto
 Heddens of Story
 Hunter of Polk
 Jochum of Dubuque
 Kuhn of Floyd
 Lykam of Scott
 McCarthy of Polk
 Miller of Webster
 D. Olson of Boone
 Petersen of Polk
 Quirk of Chickasaw
 Reichert of Muscatine
 Shomshor of Pottawattamie
 Swaim of Davis
 T. Taylor of Linn
 Wendt of Woodbury
 Whitaker of Van Buren
 Winckler of Scott
 Zirkelbach of Jones
 Murphy of Dubuque
 Berry of Black Hawk
 Cohoon of Des Moines
 Davitt of Warren
 Frevert of Palo Alto
 Heddens of Story
 Hunter of Polk
 Jochum of Dubuque
 Kuhn of Floyd
 Lykam of Scott
 McCarthy of Polk
 Miller of Webster
 D. Olson of Boone
 Petersen of Polk
 Quirk of Chickasaw
 Reichert of Muscatine
 Shomshor of Pottawattamie
 Swaim of Davis
 T. Taylor of Linn
 Wendt of Woodbury
 Whitaker of Van Buren

Whitead of Woodbury
Wise of Lee
H—1307 H.F. 825
H—1308 H.F. 825

Winckler of Scott
Zirkelbach of Jones
Heddens of Story
Heaton of Henry

On motion by Gipp of Winneshiek the House adjourned at 5:27 p.m., until 8:45 a.m., Tuesday, April 5, 2005.

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 5, 2005

The House met pursuant to adjournment at 8:56 a.m., Speaker Rants in the chair.

In honor of the 60th wedding anniversary of the Honorable John Connors and wife, Marge, former state representative from Polk County, his brother Bob Connors sang before the House.

The House rose and expressed its welcome.

Prayer was offered by Reverend Robert Doner, pastor of Peace United Church of Christ, Gladbrook. He was the guest of Representative Lance Horbach from Tama County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 4, 2005 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 4, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 332, a bill for an act allowing certain abstractors to request a mortgage release.

Also: That the Senate has on April 4, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 373, a bill for an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Also: That the Senate has on April 4, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the House was asked:

Senate File 74, a bill for an act relating to financial institutions by prohibiting the deceptive use of name, and providing remedies and penalties.

Also: That the Senate has on April 4, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 325, a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Also: That the Senate has on April 4, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 360, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

SPECIAL PRESENTATION

Speaker Rants welcomed into the House the Honorable Thomas Vilsack, Governor.

The House rose and expressed its welcome.

Speaker pro tempore Carroll and Minority Leader Murphy introduced to the House, the Honorable John and Marge Connors and presented them with a certificate in honor of their 60th wedding anniversary. Former Representative Connors introduced his wife Marge and addressed the House briefly in appreciation and sang "It Had To Be You" to his wife.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:15 a.m., until 11:00 a.m., or until the completion of the Medicaid Initiative presentation.

MORNING SESSION

The House reconvened at 10:41 a.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.

On motion by Gipp of Winneshiek, the House was recessed at 10:44 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:11 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.

Speaker Rants in the chair at 1:12 p.m.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 825, a bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates, was taken up for consideration.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1277 filed by him on March 31, 2005.

Foege of Linn offered the following amendment H-1279 filed by him and Whitaker of Van Buren and moved its adoption:

H-1279

- 1 Amend House File 825 as follows:
- 2 1. Page 1, line 23, by striking the figure
- 3 "2,730,522" and inserting the following: "3,230,522".
- 4 2. Page 2, by inserting after line 4 the
- 5 following:
- 6 "Of the amount appropriated in this section,
- 7 \$500,000 is allocated for the department's case
- 8 management activities."

Roll call was requested by Reasoner of Union and Whitaker of Van Buren.

Rule 75 was invoked.

On the question "Shall amendment H-1279 be adopted?" (H.F. 825)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Van Fossen, J.K.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons

Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wilderdye	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Jochum

Amendment H-1279 lost.

Heaton of Henry offered amendment H-1308 filed by him as follows:

H-1308

1 Amend House File 825 as follows:
 2 1. Page 1, line 23, by striking the figure
 3 "2,730,522" and inserting the following: "2,791,522".
 4 2. Page 1, line 24, by striking the figure
 5 "26.75" and inserting the following: "27.75".
 6 3. Page 2, line 18, by striking the figure "6.45"
 7 and inserting the following: "7.45".
 8 4. Page 2, line 33, by striking the figure
 9 "862,592" and inserting the following: "915,761".
 10 5. Page 3, line 4, by striking the figure
 11 "1,295,342" and inserting the following: "1,265,342".
 12 6. Page 5, line 32, by inserting after the word
 13 "services." the following: "Of the amount
 14 appropriated in subsection 1, up to \$100,000 may be
 15 used for the licensing of gambling treatment programs
 16 as provided in section 135.150."
 17 7. Page 6, line 10, by striking the figure
 18 "295,717" and inserting the following: "320,717".
 19 8. Page 6, line 12, by striking the figure
 20 "75,000" and inserting the following: "50,000".
 21 9. Page 6, line 18, by striking the figure
 22 "25,000" and inserting the following: "75,000".
 23 10. Page 11, line 23, by striking the figure
 24 "40,316,718" and inserting the following:
 25 "40,250,000".
 26 11. Page 12, line 27, by striking the figure
 27 "524,510,863" and inserting the following:
 28 "524,800,000".
 29 12. Page 15, by striking lines 25 through 29.
 30 13. Page 16, by inserting after line 1, the
 31 following:
 32 "_. The medical assistance pharmaceutical and
 33 therapeutics committee established pursuant to section
 34 249A.20A shall develop options for increasing the

35 savings relative to psychotropic drugs, while
36 maintaining patient care quality."

37 14. Page 20, line 4, by striking the figure
38 "76,508,683" and inserting the following:
39 "76,400,000".

40 15. Page 24, by inserting after line 27 the
41 following:

42 "____. If the department receives federal approval
43 to implement a waiver under Title IV-E of the federal
44 Social Security Act to enable providers to serve
45 children who remain in the children's families and
46 communities, for purposes of eligibility under the
47 medical assistance program children who participate in
48 the waiver shall be considered to be placed in foster
49 care."

50 16. Page 24, line 35, by striking the figure

Page 2

1 "32,275,732" and inserting the following:
2 "32,250,000".

3 17. Page 28, line 7, by striking the figure
4 "12,650,344" and inserting the following:
5 "12,600,000".

6 18. Page 28, line 10, by striking the figure
7 "7,073,088" and inserting the following: "7,050,000".

8 19. Page 32, line 14, by striking the figure
9 "53,519,372" and inserting the following:
10 "53,505,000".

11 20. Page 33, line 14, by striking the figure
12 "158,752,891" and inserting the following:
13 "161,600,000".

14 21. Page 33, by inserting after line 33, the
15 following:

16 "(3) For recalculation of the per diem cost and
17 the patient-day-weighted medians used in rate setting
18 for nursing facilities effective July 1, 2005, the
19 inflation factor applied from the midpoint of the cost
20 report period to the first day of the state fiscal
21 year rate period shall be zero percent."

22 22. Page 38, by striking lines 14 through 23 and
23 inserting the following: "completed in December 1998.
24 The department shall set rates in a manner so as to
25 provide incentives for a nonregistered provider to
26 become registered. If the federal government provides
27 additional funding for child care during the fiscal
28 year beginning July 1, 2005, the additional funding
29 shall be used to develop and implement an electronic
30 billing and payment system for child care providers."

31 23. Page 39, by striking lines 3 through 32.

32 24. By striking page 39, line 33, through page
33 41, line 14, and inserting the following:

34 "Sec.____. 2001 Iowa Acts, chapter 192, section 4,
35 subsection 3, paragraphs e and f, as amended by 2004
36 Iowa Acts, chapter 1175, section 154, are amended to
37 read as follows:

38 e. The department shall calculate the rate ceiling
39 for the direct-care cost component at 120 percent of
40 the median of case-mix adjusted costs. Nursing
41 facilities with case-mix adjusted costs at 95 percent
42 of the median or greater, shall receive an amount
43 equal to their costs not to exceed 120 percent of the
44 median. ~~Nursing facilities with case-mix adjusted
45 costs below 95 percent of the median shall receive an
46 excess payment allowance by having their payment rate
47 for the direct care cost component calculated as their
48 case-mix-adjusted cost plus 100 percent of the
49 difference between 95 percent of the median and their
50 case-mix-adjusted cost, not to exceed 10 percent of~~

Page 3

1 ~~the median of case mix adjusted costs. Beginning July
2 1, 2004, nursing facilities with case mix adjusted
3 costs below 95 percent of the median shall receive an
4 excess payment allowance by having their payment rate
5 for the direct care cost component calculated as their
6 case mix adjusted cost plus 50 percent of the
7 difference between 95 percent of the median and their
8 case mix adjusted cost, not to exceed 10 percent of
9 the median of case mix adjusted costs. Any excess
10 payment allowance realized from the direct care cost
11 component of the modified price-based case mix
12 reimbursement shall be expended to increase the
13 compensation of direct care workers or to increase the
14 ratio of direct care workers to residents. The
15 department of human services shall implement a new
16 monitoring and reporting system to assess compliance
17 with the provisions of this paragraph.~~

18 f. The department shall calculate the rate ceiling
19 for the nondirect care cost component at 110 percent
20 of the median of non-case-mix adjusted costs. Nursing
21 facilities with non-case-mix adjusted costs at 96
22 percent of the median or greater shall receive an
23 amount equal to their costs not to exceed 110 percent
24 of the median. ~~Nursing facilities with non-case-mix
25 adjusted costs below 96 percent of the median shall
26 receive an excess payment allowance that is their
27 costs plus 65 percent of the difference between 96
28 percent of the median and their non-case-mix adjusted
29 costs, not to exceed 8 percent of the median of non-
30 case-mix adjusted costs. Beginning July 1, 2004,
31 nursing facilities with non-case-mix adjusted costs
32 below 96 percent of the median shall receive an excess~~

33 payment allowance that is their costs plus 32.5
34 percent of the difference between 96 percent of the
35 median and their non-case-mix adjusted costs, not to
36 exceed 8 percent of the median of non-case-mix
37 adjusted costs. Any excess payment allowance realized
38 from the nondirect care cost component of the modified
39 price-based case-mix reimbursement shall be used to
40 fund quality-of-life improvements. The department of
41 human services shall implement a new monitoring and
42 reporting system to assess compliance with the
43 provisions of this paragraph."

44 25. Page 41, by inserting after line 31, the
45 following:

46 "Sec. __. 2004 Iowa Acts, chapter 1175, section
47 134, is amended by adding the following new
48 subsection:

49 NEW SUBSECTION. 3. Notwithstanding section 8.33,
50 moneys appropriated in this section that remain

Page 4

1 unencumbered or unobligated at the close of the fiscal
2 year shall not revert but shall remain available for
3 expenditure for the purposes designated until the
4 close of the succeeding fiscal year."

5 26. Page 42, lines 6 and 7, by striking the words
6 "for the purposes designated".

7 27. Page 43, by inserting after line 16, the
8 following:

9 " __. The provision amending 2004 Iowa Acts,
10 chapter 1175, section 134."

11 28. Page 57, line 2, by striking the word
12 "COMMISSION" and inserting the following: "COMMISSION
13 BOARD".

14 29. Page 59, by inserting after line 34 the
15 following:

16 "Sec. __. Section 135.150, subsection 2, Code
17 2005, is amended to read as follows:

18 2. a. Moneys appropriated to the department under
19 this section shall be for the purpose of operating a
20 gambling treatment program and shall be used for
21 funding of administrative costs and to provide
22 programs which may include, but are not limited to,
23 outpatient and follow-up treatment for persons
24 affected by problem gambling, rehabilitation and
25 residential treatment programs, information and
26 referral services, crisis call access, education and
27 preventive services, and financial management and
28 credit counseling services.

29 b. A person shall not maintain or conduct a
30 gambling treatment program funded under this section
31 unless the person has obtained a license for the

32 program from the department. The department shall
 33 adopt rules to establish standards for the licensing
 34 and operation of gambling treatment programs under
 35 this section. The rules shall specify, but are not
 36 limited to specifying, the qualifications for persons
 37 providing gambling treatment services, standards for
 38 the organization and administration of gambling
 39 treatment programs, and a mechanism to monitor
 40 compliance with this section and the rules adopted
 41 under this section."

42 30. Page 66, by inserting after line 9 the
 43 following:

44 "_. In addition to the amounts authorized in
 45 subsections 1 through 6, the examining boards listed
 46 in section 147.80 may retain and expend ninety percent
 47 of the revenue generated from an increase in license
 48 and renewal fees established pursuant to section
 49 147.80 for the practice of the licensed profession for
 50 which an examining board conducts examinations above

Page 5

1 the license and renewal fees in effect as of June 30,
 2 2005. The moneys retained by an examining board shall
 3 be used for any of the board's duties, including but
 4 not limited to addition of full-time equivalent
 5 positions for program services and investigations.
 6 Revenues retained by an examining board pursuant to
 7 this subsection shall be considered repayment receipts
 8 as defined in section 8.2."

9 31. Page 73, line 2, by striking the word "Any"
 10 and inserting the following: "To the extent allowed
 11 by the United States social security administration,
 12 any".

13 32. Page 77, by striking lines 1 and 2, and
 14 inserting the following: "of such costs if the person
 15 does not have a county of ~~has no~~ legal settlement or
 16 the legal settlement is unknown so that the person is
 17 deemed to be a state case."

18 33. Page 78, by striking lines 25 and 26, and
 19 inserting the following: "have no legal settlement or
 20 the legal settlement is unknown so that the persons
 21 are deemed to be state cases."

22 34. Page 79, by striking lines 13 through 15 and
 23 inserting the following: "provided to such persons
 24 without a county of ~~who have no~~ legal settlement or
 25 the legal settlement is unknown so that the persons
 26 are deemed to be state cases."

27 35. By striking page 80, line 34 through page 81,
 28 line 1 and inserting the following: "share of such
 29 costs if the person does not have a county of ~~has no~~
 30 legal settlement ~~or the legal settlement is unknown so~~

31 that the person is deemed to be a state case."
32 36. By renumbering as necessary.

Heddens of Story offered the following amendment H-1310 to amendment H-1308, filed by her and Gaskill of Wapello from the floor and moved its adoption:

H-1310

1 Amend the amendment, H-1308, to House File 825 as
2 follows:
3 1. Page 1, line 11, by striking the figure
4 "1,265,342" and inserting the following: "2,192,342".
5 2. Page 1, by inserting after line 11, the
6 following:
7 "___ Page 3, line 5, by striking the figure
8 "1.35" and inserting the following: "5.35".
9 ___ Page 3, by inserting after line 9 the
10 following:
11 "Of the amount appropriated in this subsection,
12 \$927,000 is allocated for efforts to address
13 obesity.""

Amendment H-1310 lost.

Raecker of Polk offered the following amendment H-1314, to amendment H-1308, filed by him from the floor and moved its adoption:

H-1314

1 Amend the amendment, H-1308, to House File 825 as
2 follows:
3 1. Page 1, by inserting after line 11 the
4 following:
5 "___ Page 5, by inserting after line 23, the
6 following:
7 "It is the intent of the general assembly that from
8 the moneys appropriated in this subsection, persons
9 with a dual diagnosis of substance abuse and gambling
10 addictions shall be given priority in treatment
11 services.""
12 2. Page 4, by inserting after line 41 the
13 following:
14 "___ By striking page 59, line 35, through page
15 60, line 5."
16 3. By renumbering as necessary.

Amendment H-1314 was adopted.

Cohoon of Des Moines offered the following amendment H-1315, to amendment H-1308, filed by him and Wendt of Woodbury from the floor and moved its adoption:

H-1315

- 1 Amend the amendment, H-1308, to House File 825 as
- 2 follows:
- 3 1. Page 1, line 11, by striking the figure
- 4 "1,265,342" and inserting the following: "1,565,342".
- 5 2. Page 1, by inserting after line 11 the
- 6 following:
- 7 "___ Page 3, by inserting after line 9 the
- 8 following:
- 9 "Of the amount appropriated in this subsection,
- 10 \$300,000 is allocated as additional funding for child
- 11 health specialty clinics.""
- 12 3. By renumbering as necessary.

Roll call was requested by Cohoon of Des Moines and Reasoner of Union.

On the question "Shall amendment H-1315 to amendment H-1308 be adopted?" (H.F. 825)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins

Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdike	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1315 lost.

Smith of Marshall offered amendment H-1309, to amendment H-1308, filed by him from the floor as follows:

Speaker pro tempore Carroll in the chair at 1:43 p.m.

H-1309

- 1 Amend the amendment, H-1308, to House File 825 as
- 2 follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "___ Page 10, line 15, by striking the figure
- 6 "5,133,042" and inserting the following: "5,811,782"."
- 7 2. By renumbering as necessary.

Amendment H-1309 lost.

Hogg of Linn offered the following amendment H-1316, to amendment H-1308, filed by him from the floor and moved its adoption:

H-1316

- 1 Amend the amendment, H-1308, to House File 825 as
- 2 follows:
- 3 1. Page 1, line 39, by striking the figure
- 4 "76,400,000" and inserting the following:
- 5 "76,700,000".
- 6 2. Page 1, by inserting after line 49 the
- 7 following:
- 8 "___ Of the amount appropriated in this section,
- 9 \$300,000 shall be used for distribution of competitive
- 10 grants for the provision of public education and
- 11 outreach to reduce the incidence of sexual abuse and
- 12 exploitation of children and sexual crimes against
- 13 children. To receive a grant under this subsection, a

- 14 grantee must demonstrate successful collaboration with
 15 a child abuse prevention council or a community
 16 partnership for protecting children."
 17 3. By renumbering as necessary.

Roll call was requested by Hogg of Linn and Smith of Marshall.

On the question "Shall amendment H-1316 to amendment H-1308 be adopted?" (H.F. 825)

The ayes were, 50:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Horbach	Hunter	Huser
Jacoby	Jochum	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Shomshor	Shultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkebach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Huseman	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Carroll, Presiding		

Absent or not voting, none.

Amendment H-1316 lost.

Heddens of Story offered the following amendment H-1311, to amendment H-1308, filed by her from the floor and moved its adoption:

H-1311

- 1 Amend the amendment, H-1308, to House File 825 as
 2 follows:
 3 1. Page 4, by inserting after line 10 the
 4 following:
 5 "___ Page 47, by inserting after line 8 the
 6 following:
 7 "Sec. ___. CHILDREN'S REDESIGN. There is
 8 appropriated from the general fund of the state to the
 9 department of human services for the fiscal year
 10 beginning July 1, 2005, and ending June 30, 2006, the
 11 following amounts, or so much thereof as is necessary,
 12 to be used for redesign of the children's mental
 13 health, mental retardation, developmental
 14 disabilities, and brain injury services system:
 15 1. For the children's portion of the system of
 16 care waiver:
 17 \$ 225,000
 18 2. For home and community-based services waiver
 19 costs under the medical assistance program for
 20 children's services:
 21 \$ 500,000"
 22 2. By renumbering as necessary.

Amendment H-1311 lost.

Petersen of Polk offered the following amendment H-1320, to amendment H-1308, filed by her from the floor and moved its adoption:

H-1320

- 1 Amend the amendment, H-1308, to House File 825 as
 2 follows:
 3 1. Page 2, by striking lines 22 through 30, and
 4 inserting the following:
 5 "___ Page 38, line 21, by inserting after the
 6 word "survey." the following: "Otherwise, if
 7 additional federal funding is provided but not in a
 8 sufficient amount to set provider reimbursement rates
 9 based on the 2002 survey, the additional funding shall
 10 be used to pay provider bonuses, to enhance provider
 11 professional development opportunities, or for a
 12 combination of measures to support child care
 13 providers."
 14

Amendment H-1320 lost.

Fallon of Polk offered the following amendment H-1321, to amendment H-1308, filed by him from the floor and moved its adoption:

H-1321

- 1 Amend the amendment, H-1308, to House File 825 as
- 2 follows:
- 3 1. Page 1, by inserting after line 22 the
- 4 following:
- 5 "___ Page 11, by inserting after line 3 the
- 6 following:
- 7 "d. For reinstating and operating the emergency
- 8 assistance program:
- 9 \$ 500,000"

Amendment H-1321 lost.

Heaton of Henry offered the following amendment H-1322, to amendment H-1308, filed by him from the floor and moved its adoption:

H-1322

- 1 Amend the amendment, H-1308, to House File 825 as
- 2 follows:
- 3 1. Page 1, line 36, by inserting after the word
- 4 "quality." the following: "This subsection shall not
- 5 be construed to amend, modify, or repeal the exception
- 6 provided pursuant to section 249A.20A relating to
- 7 drugs prescribed for mental illness. The committee
- 8 shall submit a report of any options the committee
- 9 recommends to the general assembly by January 1, 2006.
- 10 Any options developed or recommended shall not be
- 11 implemented without an affirmative action enacted by
- 12 the general assembly."

Amendment H-1322 was adopted.

Division to amendment H-1308, as amended, was requested as follows:

- Page 1 Line 2 through Page 4 Line 41 and Page 5 Lines 9 through 31, Division A.
- Page 4, Lines 42 through Page 5 Line 8, Division B.

Heaton of Henry moved the adoption of amendment H-1308A, as amended.

Roll call was requested by Smith of Marshall and Murphy of Dubuque.

On the question "Shall amendment H-1308A, as amended, be adopted?" (H.F. 825)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

Amendment H-1308A was adopted.

Speaker Rants in the chair at 2:10 p.m.

Heddens of Story offered the following amendment H-1307 filed by her and moved its adoption:

H-1307

- 1 Amend House File 825 as follows:
- 2 1. Page 2, line 33, by striking the figure
- 3 "862,592" and inserting the following: "1,698,592".
- 4 2. Page 2, by inserting after line 34 the
- 5 following:
- 6 "Of the amount appropriated in this subsection,
- 7 \$836,000 is allocated for funding of mobile dental
- 8 clinics."

Amendment H-1307 lost.

Heaton of Henry offered the following amendment H-1301 filed by him and Foege of Linn and moved its adoption:

H-1301

- 1 Amend House File 825 as follows:
- 2 1. Page 3, by inserting after line 29 the
- 3 following:
- 4 "The amount appropriated in this subsection
- 5 includes \$150,000 in additional funding for childhood
- 6 lead poisoning prevention activities, and of this
- 7 amount, \$100,000 is allocated for counties not
- 8 receiving federal funding for this purpose and \$50,000
- 9 is allocated for a pilot project involving a
- 10 multicounty effort to address lead poisoning
- 11 prevention and remediation activities."

Amendment H-1301 was adopted.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Winckler of Scott on request of Heddens of Story.

Foege of Linn offered the following amendment H-1281 filed by him and moved its adoption:

H-1281

- 1 Amend House File 825 as follows:
- 2 1. Page 4, line 6, by striking the figure
- 3 "1,044,151" and inserting the following: "1,379,044".
- 4 2. Page 4, line 9, by striking the figure
- 5 "335,107" and inserting the following: "670,000".

Roll call was requested by Reasoner of Union and Murphy of Dubuque.

On the question "Shall amendment H-1281 be adopted?" (H.F. 825)

The ayes were, 47:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wise	Zirkelbach	

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 3:

Huser	Van Fossen, J.K.	Winckler
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Amendment H-1281 lost.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1280 filed by him on March 31, 2005.

Smith of Marshall asked and received unanimous consent that amendment H-1201 be deferred.

Petersen of Polk offered amendment H-1295 filed by her and requested division as follows:

H-1295

1 Amend House File 825 as follows:

H-1295 A

- 2 1. Page 18, line 2, by striking the figure
 3 "8,350,752" and inserting the following: "17,350,752".
 4 2. Page 18, line 4, by striking the figure
 5 "7,325,228" and inserting the following: "16,325,228".

H-1295 B

- 6 3. Page 38, by striking lines 14 through 21 and
 7 inserting the following: "completed in December 2002."
 8 The department shall set rates in a manner so as".

Petersen of Polk moved the adoption of amendment H-1295A.

Roll call was requested by Murphy of Dubuque and Reasoner of Union.

On the question "Shall amendment H-1295A be adopted?" (H.F. 825)

The ayes were, 48:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow

Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Winckler

Amendment H-1295A lost.

Amendment H-1295B was placed out of order with the adoption of amendment H-1308A, as amended.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1299 filed by him on April 4, 2005.

Smith of Marshall offered the following amendment H-1278 filed by him and moved its adoption:

H-1278

- 1 Amend House File 825 as follows:
- 2 1. Page 20, line 4, by striking the figure
- 3 "76,508,683" and inserting the following:
- 4 "77,208,683".
- 5 2. Page 37, line 18, by striking the figure "3"
- 6 and inserting the following: "4".

Amendment H-1278 lost.

Foege of Linn offered the following amendment H-1300 filed by him and moved its adoption:

H-1300

- 1 Amend House File 825 as follows:
- 2 1. Page 20, line 22, by inserting after the word
- 3 "section." the following: "The department shall pay
- 4 the nonfederal share of the costs of rehabilitative
- 5 treatment and support services provided to youth who
- 6 have committed a delinquent act and are subject to an
- 7 informal adjustment agreement under section 232.29."

Amendment H-1300 lost.

Smith of Marshall offered the following amendment H-1298 filed by him and moved its adoption:

H-1298

1 Amend House File 825 as follows:

2 1. Page 24, by inserting after line 27 the
3 following:

4 "___ The governor and the legislative council are
5 requested to create a child welfare system improvement
6 committee consisting of legislators, child welfare
7 agency board members, child welfare agency staff,
8 department of human services staff, juvenile court
9 officers, and child advocacy board representatives.
10 The committee should commence deliberations during the
11 2005 legislative interim and consider all of the
12 following in making recommendations to the governor
13 and the general assembly in regard to the child
14 welfare and juvenile justice systems:

15 a. System changes to provide better results for
16 children.

17 b. System streamlining to improve services through
18 increased flexibility.

19 c. Increasing the degree of partnership by
20 strengthening the role of the state and the state's
21 community-based partners.

22 d. Increasing innovative service development.

23 e. Identifying the amount of resources necessary
24 for achieving better results.

25 f. Identifying the barriers to obtaining better
26 results and eliminating those barriers.

27 g. Developing a strategy to reduce the discrepancy
28 between state and private agency staff salaries.

29 h. Identifying the effects of low salaries and
30 inadequate system funding.

31 i. Developing a means for service providers to
32 keep pace with the inflationary cost increases in
33 order to maintain the quality level in child welfare
34 services.

35 j. Identifying the effects on children of
36 implementing an option for a managed care provider to
37 manage all or a portion of child welfare services
38 funding, including but not limited to all of the
39 following:

40 (1) The effects of coordinating this option with
41 the redesign of the children's mental health system.

42 (2) The interaction between the child welfare,
43 juvenile justice, and children's mental health
44 systems.

45 (3) The effects of providing wraparound services
46 under this option.
47 The department shall not implement an option for a
48 managed care provider to manage all or a portion of
49 child welfare services funding until recommendations
50 regarding this option have been received from a

Page 2

1 committee created pursuant to this subsection."
2 2. By renumbering as necessary.

Amendment H-1298 lost.

Smith of Marshall offered the following amendment H-1287 filed
by Smith, et al., and moved its adoption:

H-1287

1 Amend House File 825 as follows:
2 1. Page 29, line 11, by striking the figure "1."
3 2. Page 29, by striking lines 21 through 32.

Amendment H-1287 lost.

Foege of Linn asked and received unanimous consent to withdraw
amendment H-1276 filed by him on March 31, 2005.

With the adoption of amendment H-1308A, amendment H-1274
filed by Petersen of Polk on March 31, 2005, was placed out of order.

Heaton of Henry offered the following amendment H-1266 filed by
Heaton, et al., and moved its adoption:

H-1266

1 Amend House File 825 as follows:
2 1. Page 37, line 19, by inserting after the
3 figure "2005." the following: "It is the intent of
4 the general assembly that the increase in
5 reimbursement rates authorized in this subsection
6 shall be used for the provision of direct care with an
7 emphasis on increasing the compensation for direct
8 care workers."

Amendment H-1266 was adopted.

Thomas of Clayton offered amendment H-1296 filed by him as follows:

H-1296

1 Amend House File 825 as follows:

2 1. Page 50, by inserting after line 27 the
3 following:

4 "Sec. . NEW SECTION. 35A.14 VETERANS SERVICE
5 FUND.

6 1. A veterans service fund is created in the state
7 treasury under the control of the commission.

8 2. The veterans service fund shall consist of all
9 of the following:

10 a. Moneys in the form of a devise, gift, bequest,
11 donation, federal or other grant, reimbursement,
12 repayment, judgment, transfer, payment, or
13 appropriation from any source intended to be used for
14 the purposes of the service fund. Notwithstanding
15 section 8.33, moneys credited to the service fund
16 shall not revert to any other fund.

17 b. Interest attributable to investment of moneys
18 in the fund or an account of the service fund.
19 Notwithstanding section 12C.7, subsection 2, interest
20 or earnings on moneys in the service fund shall be
21 credited to the service fund.

22 c. For each fiscal year, the department of
23 management shall annually identify an amount of state
24 savings in human services programs achieved during
25 that fiscal year due to efforts funded under this
26 section that assisted veterans in obtaining federal
27 veterans benefits. An amount equal to twenty percent
28 of the identified amount shall be transferred to the
29 service fund from the appropriations to which the
30 state savings are attributed. However, if the balance
31 of the service fund reaches one million dollars or
32 more, the transfers otherwise required by this
33 paragraph are suspended.

34 3. Moneys credited to the veterans service fund
35 shall not be transferred, used, obligated,
36 appropriated, or otherwise encumbered, except as
37 provided in this section. Moneys in the service fund
38 may be used for cash flow purposes during a fiscal
39 year provided that any moneys so allocated are
40 returned to the service fund by the end of that fiscal
41 year.

42 4. Moneys credited to the veterans service fund
43 are appropriated to the commission to be used for the
44 benefit of veterans and the spouses and dependents of
45 veterans, technical assistance, matching other funds,
46 other purposes of the commission, and associated

47 administrative costs."

48 2. By renumbering as necessary.

Heaton of Henry rose on a point of order that amendment H-1296 was not germane.

The Speaker ruled the point well taken and amendment H-1296 not germane.

Thomas of Clayton moved to suspend the rules to consider amendment H-1296.

Roll call was requested by Thomas of Clayton and Murphy of Dubuque.

On the question "Shall the rules be suspended to consider amendment H-1296?" (H.F. 825)

The ayes were, 47:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	Fallon	Foegen
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, 2:

Mertz

Wise

The motion to suspend the rules lost.

Foege of Linn offered the following amendment H-1297 filed by him and Heaton of Henry and moved its adoption:

H-1297

1 Amend House File 825 as follows:

2 1. Page 59, by inserting after line 34, the
3 following:

4 "Sec. ___ Section 135.63, subsection 2, paragraph
5 o, Code 2005, is amended to read as follows:

6 o. The change in ownership, licensure,
7 organizational structure, operational structure, or
8 designation of the type of institutional health
9 facility if the health services offered by the
10 successor institutional health facility are unchanged.

11 For the purposes of this paragraph, change in
12 ownership, licensure, organizational structure,
13 operational structure, or designation of the type of
14 institutional health facility shall include any such
15 change, whether voluntary or involuntary, in which the
16 successor institutional health facility offers health
17 services unchanged from the predecessor institutional
18 health facility without a significant interruption in
19 services whether or not the predecessor institutional
20 health facility consents to the continuation of
21 services. An interruption in services is not
22 significant if the successor institutional health
23 facility offers the same health services as the
24 predecessor institutional health facility within one
25 year of the change in ownership, licensure,
26 organizational structure, operational structure, or
27 designation of the type of institutional health
28 facility."

29 2. Page 84, by inserting after line 32, the
30 following:

31 "Sec. ___ EFFECTIVE DATE AND RETROACTIVE
32 APPLICABILITY. The amendment in this division of this
33 Act to section 135.63, subsection 2, paragraph "o",
34 being deemed of immediate importance, takes effect
35 upon enactment and is retroactively applicable to
36 December 1, 2004."

37 3. Title page, line 7, by inserting after the
38 word "dates" the following: "and providing for
39 retroactive applicability".

40 4. By renumbering as necessary.

Amendment H-1297 lost.

Smith of Marshall asked and received unanimous consent to withdraw amendment H-1192 filed by him on March 28, 2005.

Reichert of Muscatine offered the following amendment H-1285 filed by him and Petersen of Polk and moved its adoption:

H-1285

- 1 Amend House File 825 as follows:
- 2 1. Page 65, by striking lines 22 through 25 and
- 3 inserting the following: "one hundred percent of the
- 4 revenues generated from license and renewal fees
- 5 established pursuant to section 147.80 for the
- 6 practice of nursing. The moneys".

Amendment H-1285 lost.

Foege of Linn asked and received unanimous consent to withdraw amendment H-1302 filed by him on April 4, 2005.

Smith of Marshall offered the following amendment H-1225 filed by him and moved its adoption:

H-1225

- 1 Amend House File 825 as follows:
- 2 1. Page 65, by striking lines 21 through 32.
- 3 2. Page 66, by inserting after line 9 the
- 4 following:
- 5 "_. The examining boards listed in section
- 6 147.80, other than the board of dental examiners, the
- 7 board of medical examiners, and the board of pharmacy
- 8 examiners that are otherwise addressed in this
- 9 section, may retain and expend ninety percent of the
- 10 revenue generated from license and renewal fees
- 11 established pursuant to section 147.80 for the
- 12 practice of the licensed profession for which an
- 13 examining board conducts examinations. The moneys
- 14 retained by an examining board shall be used for any
- 15 of the board's duties, including but not limited to
- 16 addition of full-time equivalent positions for program
- 17 services and investigations. Revenues retained by an
- 18 examining board pursuant to this subsection shall be
- 19 considered repayment receipts as defined in section
- 20 8.2."
- 21 3. By renumbering as necessary.

Roll call was requested by Smith of Marshall and Whitaker of Van Buren.

On the question "Shall amendment H-1225 be adopted?" (H.F. 825)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1225 lost.

Mascher of Johnson offered the following amendment H-1290 filed by her and moved its adoption:

H-1290

- 1 Amend House File 825 as follows:
- 2 1. Page 74, by inserting after line 32 the

3 following:

4 "Sec. ____ Section 237A.30, Code 2005, is amended
5 by striking the section and inserting in lieu thereof
6 the following:

7 237A.30 CHILD CARE QUALITY RATING SYSTEM.

8 1. The department shall work with the community
9 empowerment office of the department of management
10 established in section 28.3 and the state child care
11 advisory council in designing and implementing a
12 quality rating system for each provider type of child
13 care facility.

14 2. The quality rating system shall be voluntary
15 and composed of multiple ratings based upon the rating
16 criteria adopted for the system. The initial system
17 shall provide for five levels; however, the department
18 may periodically revise the system to change the
19 number of levels and make other changes to improve the
20 system. The department shall identify the period for
21 which a rating is awarded and the means by which a
22 rating may be withdrawn or modified.

23 3. The criteria utilized for the rating system may
24 include but are not limited to any of the following:
25 facility type; provider staff experience, education,
26 training, and credentials; facility director education
27 and training; an environmental rating score or other
28 direct assessment environmental methodology; national
29 accreditation; facility history of compliance with law
30 and rules; child-to-staff ratio; curriculum; business
31 practices; staff retention rates; evaluation of staff
32 members and program practices; staff compensation and
33 benefit practices; provider and staff membership in
34 professional early childhood organizations; and
35 parental involvement with the facility.

36 4. The department may directly administer or
37 contract for the administration of the quality rating
38 system. A facility's quality rating may be included
39 on the internet page and in the consumer information
40 provided by the department pursuant to section 237A.25
41 and shall be identified in the child care provider
42 referrals made by child care resource and referral
43 service grantees under section 237A.26.

44 5. For reimbursement paid under the state child
45 care assistance program established in section
46 237A.13, the department may implement a reimbursement
47 rate methodology applicable to child care facilities
48 participating in the rating system in which the
49 reimbursement rate varies based upon the rating of a
50 facility. In addition, as part of the quality rating

Page 2

1 system, the department may pay an achievement bonus to

2 providers that are awarded a quality rating."

3 2. Page 84, by inserting after line 29 the
4 following:

5 "Sec. ___. PHASED IMPLEMENTATION OF CHILD CARE
6 QUALITY RATING SYSTEM.

7 1. Effective July 1, 2005, the department of human
8 services shall no longer accept applications for the
9 gold seal quality designation for child care providers
10 under section 237A.30, Code 2005. However, if a child
11 care provider has been awarded the designation prior
12 to July 1, 2005, the designation may continue to be
13 utilized for that provider until the designated period
14 of nationally recognized accreditation for which the
15 gold seal designation was awarded has ended.

16 2. The department of human services shall commence
17 implementation of the child care quality rating system
18 under section 237A.30, as amended by this division of
19 this Act, by awarding ratings beginning on or after
20 January 1, 2006. The department may modify
21 implementation of the rating system and the rating
22 system itself as necessary to conform to the funding
23 made available for the rating system for the fiscal
24 year beginning July 1, 2005."

25 3. By renumbering as necessary.

Amendment H-1290 lost.

Zirkelbach of Jones offered the following amendment H-1303 filed
by him and Kressig of Black Hawk and moved its adoption:

H-1303

1 Amend House File 825 as follows:

2 1. Page 81, by inserting after line 1 the
3 following:

4 "Sec. ___. NEW SECTION. 249A.30A MEDICAL
5 ASSISTANCE - PERSONAL NEEDS ALLOWANCE.

6 The personal needs allowance under the medical
7 assistance program, which may be retained by a
8 resident of a nursing facility as defined in section
9 135C.1, shall be fifty dollars per month."

10 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Kressig of
Black Hawk.

On the question "Shall amendment H-1303 be adopted?" (H.F.
825)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1303 lost.

Dix of Butler offered amendment H-1288 filed by him and Heaton of Henry as follows:

H-1288

1 Amend House File 825 as follows:
 2 1. Page 84, by inserting after line 32 the
 3 following:
 4 "DIVISION _____
 5 SUPPLEMENTAL APPROPRIATIONS
 6 Sec. ____ 2004 Iowa Acts, chapter 1175, section
 7 116, unnumbered paragraph 2, is amended to read as
 8 follows:
 9 For medical assistance reimbursement and associated

10 costs as specifically provided in the reimbursement
 11 methodologies in effect on June 30, 2004, except as
 12 otherwise expressly authorized by law, including
 13 reimbursement for abortion services, which shall be
 14 available under the medical assistance program only
 15 for those abortions which are medically necessary:
 16 \$352,794,101
 17 422,794,101

18 Sec. __. 2004 Iowa Acts, chapter 1175, section
 19 118, unnumbered paragraph 2, is amended to read as
 20 follows:

21 For medical contracts, including salaries, support,
 22 maintenance, and miscellaneous purposes, and for not
 23 more than the following full-time equivalent position:
 24 \$ 9,725,035
 25 10,725,035
 26 FTEs 1.00

27 Of the amount appropriated in this section,
 28 \$1,000,000 is allocated for implementation costs for
 29 the Iowa Medicaid enterprise initiative.

30 Sec. __. 2004 Iowa Acts, chapter 1175, section
 31 130, subsections 1 and 2, are amended to read as
 32 follows:

33 1. For the state resource center at Glenwood for
 34 salaries, support, maintenance, and miscellaneous
 35 purposes:
 36 \$ 8,550,280
 37 9,550,280
 38 2. For the state resource center at Woodward for
 39 salaries, support, maintenance, and miscellaneous
 40 purposes:
 41 \$ 4,520,459
 42 5,520,459

43 Sec. __. 2004 Iowa Acts, chapter 1175, section
 44 131, is amended to read as follows:
 45 SEC. 131. MIMR/DD STATE CASES. There is
 46 appropriated from the general fund of the state to the
 47 department of human services for the fiscal year
 48 beginning July 1, 2004, and ending June 30, 2005, the
 49 following amount, or so much thereof as is necessary,
 50 to be used for the purpose designated:

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1 For purchase of local services for persons with
 2 mental illness, mental retardation, and developmental
 3 disabilities where the client has no established
 4 county of legal settlement:
 5 \$ 11,014,619
 6 11,264,619
 7 The general assembly encourages the department to
 8 continue discussions with the Iowa state association

9 of counties and administrators of county central point
 10 of coordination offices regarding proposals for moving
 11 state cases to county budgets.
 12 Sec. __. 2004 Iowa Acts, chapter 1175, section
 13 134, subsection 1, unnumbered paragraph 2, is amended
 14 to read as follows:

15 For costs associated with the commitment and
 16 treatment of sexually violent predators in the unit
 17 located at the state mental health institute at
 18 Cherokee, including costs of legal services and other
 19 associated costs, including salaries, support,
 20 maintenance, and miscellaneous purposes:

21	\$ 2,833,646
22	<u>3,608,646</u>

23 Sec. __. EFFECTIVE DATE. This division of this
 24 Act, being deemed of immediate importance, takes
 25 effect upon enactment."

26 2. By renumbering as necessary.

Heaton of Henry offered the following amendment H-1292, to amendment H-1288, filed by him and moved its adoption:

H-1292

1 Amend the amendment, H-1288, to House File 825 as
 2 follows:
 3 1. Page 2, by inserting after line 11 the
 4 following:
 5 "Notwithstanding section 8.33, moneys appropriated
 6 in this section that remain unencumbered or
 7 unobligated at the close of the fiscal year shall not
 8 revert but shall remain available for expenditure for
 9 the purposes designated until the close of the
 10 succeeding fiscal year."

Amendment H-1292 was adopted.

Murphy of Dubuque offered the following amendment H-1317, to amendment H-1288, filed by Murphy, Hogg of Linn, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Heddens of Story, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kressig of Black Hawk, 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, Petersen of Polk, Pettengill of Benton, Quirk of Chickasaw, Reasoner of Union, Schueller of Jackson, Shomshor of Pottawattamie, Smith of Marshall, Swaim of

Davis, T. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Wessel-Kroeschell of Story, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott and Zirkelbach of Jones, from the floor, and moved its adoption:

H-1317

- 1 Amend the amendment, H-1288, to House File 825 as
- 2 follows:
- 3 1. Page 2, line 22, by striking the figure
- 4 "3,608,646" and inserting the following: "4,233,646".
- 5 2. Page 2, by inserting before line 23 the
- 6 following:
- 7 "Notwithstanding section 8.33, moneys appropriated
- 8 in this section that remain unencumbered or
- 9 unobligated at the close of the fiscal year shall not
- 10 revert but shall remain available for expenditure for
- 11 the purposes designated until the close of the
- 12 succeeding fiscal year."

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall amendment H-1317 to amendment H-1288 be adopted?" (H.F. 825)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach

Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderydyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1317 lost.

Dix of Butler moved the adoption of amendment H-1288, as amended.

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall amendment H-1288, as amended, be adopted?" (H.F. 825)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt

Wessel-Kroeschell Whitaker
Winckler Wise

Whitead
Zirkelbach

Wilderdyke
Mr. Speaker
Rants

The nays were, none.

Absent or not voting, none.

Amendment H-1288, as amended, was adopted.

Smith of Marshall offered amendment H-1201, previously deferred, filed by him as follows:

H-1201

- 1 Amend House File 825 as follows:
- 2 1. Page 15, by striking lines 8 through 13.
- 3 2. By renumbering as necessary.

Hoffman of Crawford offered the following amendment H-1325, to amendment H-1201, filed by him from the floor and moved its adoption:

H-1325

- 1 Amend the amendment, H-1201, to House File 825 as
- 2 follows:
- 3 1. Page 1, line 2, by striking the figure "13."
- 4 and inserting the following: "13 and inserting the
- 5 following:
- 6 "___ It is the intent of the general assembly
- 7 that the department annually collect data on the
- 8 reimbursement rates paid to the providers and by the
- 9 third-party payors participating in the medical
- 10 assistance program. The department shall consult with
- 11 the division of insurance in adopting administrative
- 12 rules specifying the reporting format and guaranteeing
- 13 the confidentiality of the information provided by the
- 14 providers and third-party payors. The department
- 15 shall annually review the reimbursement rate data and
- 16 make recommendations for reimbursement rate changes to
- 17 the governor and the general assembly annually by
- 18 January 1. The department may adopt emergency rules
- 19 to implement the provisions of this subsection."

Amendment H-1325 was adopted.

On motion by Smith of Marshall, amendment H-1201, as amended, was adopted.

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. 825)

The ayes were, 64:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Carroll	Chambers
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foegel
Ford	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	McCarthy	Miller	Olson, R.
Olson, S.	Paulsen	Pettengill	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdylke	Zirkelbach	Mr. Speaker
			Rants

The nays were, 36:

Bell	Bukta	Cohoon	Davitt
Fallon	Frevert	Gaskill	Heddens
Hogg	Hunter	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
Mertz	Murphy	Oldson	Olson, D.
Petersen	Quirk	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Taylor, D.	Taylor, T.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise

Absent or not voting, none.

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 825** be immediately messaged to the Senate.

INTRODUCTION OF BILLS

House File 837, by committee on appropriations, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Read first time and placed on the **appropriations calendar**.

House File 838, by committee on appropriations, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices, and providing for fees.

Read first time and placed on the **appropriations calendar**.

House File 839, by committee on appropriations, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Read first time and placed on the **appropriations calendar**.

SENATE MESSAGE CONSIDERED

Senate File 325, by committee on judiciary, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices and reports, and providing an effective date.

Read first time and **passed on file**.

SPECIAL PRESENTATION

Murphy of Dubuque introduced to the House the Honorable Greg Stevens former state representative from Dickinson County.

The House rose and expressed its welcome.

Regular Calendar

House File 724, a bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 4:28 p.m.

Kurtenbach of Story offered amendment H-1269 filed by Kurtenbach, et al., as follows:

H-1269

1 Amend House File 724 as follows:

- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. NEW SECTION. 135M.1 PURPOSE.
5 The purpose of this chapter is to improve the
6 health of low-income Iowans through a prescription
7 drug donation repository that authorizes medical
8 facilities and pharmacies to redispense prescription
9 drugs and supplies that would otherwise be destroyed.
10 Sec. 2. NEW SECTION. 135M.2 DEFINITIONS.
11 1. "Anti-rejection drug" means a prescription drug
12 that suppresses the immune system to prevent or
13 reverse rejection of a transplanted organ.
14 2. "Cancer drug" means a prescription drug that is
15 used to treat any of the following:
16 a. Cancer or the side effects of cancer.
17 b. The side effects of any prescription drug that
18 is used to treat cancer or the side effects of cancer.
19 3. "Controlled substance" means the same as
20 defined in section 155A.3.
21 4. "Department" means the Iowa department of
22 public health.
23 5. "Indigent" means a person with an income that
24 is below two hundred percent of the federal poverty
25 level as defined by the most recently revised poverty
26 income guidelines published by the United States
27 department of health and human services.
28 6. "Medical facility" means any of the following:
29 a. A physician's office.
30 b. A hospital.
31 c. A health clinic.
32 d. A nonprofit health clinic which includes a
33 federally qualified health center as defined in 42
34 U.S.C. § 1396d(l)(2)(B); a rural health clinic as
35 defined in 42 U.S.C. § 1396d(l)(1); and a nonprofit
36 health clinic that provides medical care to patients
37 who are indigent, uninsured, or underinsured.
38 e. A free clinic as defined in section 135.24
39 f. A charitable organization as defined in section
40 135.24.
41 g. A nursing facility as defined in section
42 135C.1.
43 7. "Pharmacy" means a pharmacy as defined in
44 section 155A.3.

45 8. "Prescription drug" means the same as defined
46 in section 155A.3, and includes cancer drugs and anti-
47 rejection drugs, but does not include controlled
48 substances.

49 9. "Supplies" means the supplies necessary to
50 administer the prescription drugs donated.

Page 2

1 Sec. 3. NEW SECTION. 135M.3 PRESCRIPTION DRUG
2 DONATION REPOSITORY PROGRAM AUTHORIZED.

3 1. The department, in cooperation with the board
4 of pharmacy examiners, may establish and maintain a
5 prescription drug donation repository program under
6 which any person may donate prescription drugs and
7 supplies for use by an individual who meets
8 eligibility criteria specified by the department by
9 rule. The department may contract with a third party
10 to implement and administer the program.

11 2. Donations of prescription drugs and supplies
12 under the program may be made on the premises of a
13 medical facility or pharmacy that elects to
14 participate in the program and meets the requirements
15 established by the department.

16 3. The medical facility or pharmacy may charge an
17 individual who receives a prescription drug or
18 supplies a handling fee that shall not exceed an
19 amount established by rule by the department.

20 4. A medical facility or pharmacy that receives
21 prescription drugs or supplies may distribute the
22 prescription drugs or supplies to another eligible
23 medical facility or pharmacy for use pursuant to the
24 program.

25 5. Participation in the program shall be
26 voluntary.

27 Sec. 4. NEW SECTION. 135M.4 PRESCRIPTION DRUG
28 DONATION REPOSITORY PROGRAM REQUIREMENTS.

29 1. A prescription drug or supplies may be accepted
30 and dispensed under the prescription drug donation
31 repository program if all of the following conditions
32 are met:

33 a. The prescription drug is in its original sealed
34 and tamper-evident packaging. However, a prescription
35 drug in a single-unit dose or blister pack with the
36 outside packaging opened may be accepted if the
37 single-unit dose packaging remains intact.

38 b. The prescription drug bears an expiration date
39 that is more than six months after the date the
40 prescription drug was donated.

41 c. The prescription drug or supplies are inspected
42 before the prescription drug or supplies are dispensed
43 by a licensed pharmacist employed by or under contract

44 with the medical facility or pharmacy, and the
45 licensed pharmacist determines that the prescription
46 drug or supplies are not adulterated or misbranded.
47 d. The prescription drug or supplies are
48 prescribed by a health care practitioner for use by an
49 eligible individual and are dispensed by a pharmacist.
50 2. A prescription drug or supplies donated under

Page 3

1 this chapter shall not be resold.

2 3. a. If a person who donates prescription drugs
3 under this chapter to a medical facility or pharmacy
4 receives a notice from a pharmacy that a prescription
5 drug has been recalled, the person shall inform the
6 medical facility or pharmacy of the recall.

7 b. If a medical facility or pharmacy receives a
8 recall notification from a person who donated
9 prescription drugs under this chapter, the medical
10 facility or pharmacy shall perform a uniform
11 destruction of all of the recalled prescription drugs
12 in the medical facility or pharmacy.

13 4. A prescription drug dispensed through the
14 prescription drug donation repository program shall
15 not be eligible for reimbursement under the medical
16 assistance program.

17 5. The department shall adopt rules establishing
18 all of the following:

19 a. Requirements for medical facilities and
20 pharmacies to accept and dispense donated prescription
21 drugs and supplies, including all of the following:

22 (1) Eligibility criteria for participation by
23 medical facilities and pharmacies.

24 (2) Standards and procedures for accepting, safely
25 storing, and dispensing donated prescription drugs and
26 supplies.

27 (3) Standards and procedures for inspecting
28 donated prescription drugs to determine if the
29 prescription drugs are in their original sealed and
30 tamper-evident packaging, or if the prescription drugs
31 are in single-unit doses or blister packs and the
32 outside packaging is opened, if the single-unit dose
33 packaging remains intact.

34 (4) Standards and procedures for inspecting
35 donated prescription drugs and supplies to determine
36 that the prescription drugs and supplies are not
37 adulterated or misbranded.

38 b. Eligibility criteria for individuals to receive
39 donated prescription drugs and supplies dispensed
40 under the program. The standards shall prioritize
41 dispensing to individuals who are indigent or
42 uninsured, but may permit dispensing to other

- 43 individuals if an uninsured or indigent individual is
44 unavailable.
- 45 c. Necessary forms for administration of the
46 prescription drug donation repository program,
47 including forms for use by individuals who donate,
48 accept, distribute, or dispense the prescription drugs
49 or supplies under the program.
- 50 d. A means by which an individual who is eligible

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- 1 to receive donated prescription drugs and supplies may
2 indicate such eligibility.
- 3 e. The maximum handling fee that a medical
4 facility or pharmacy may charge for accepting,
5 distributing, or dispensing donated prescription drugs
6 and supplies under the program.
- 7 f. A list of prescription drugs that the
8 prescription drug donation repository program will
9 accept.
- 10 Sec. 5. NEW SECTION. 135M.5 EXEMPTION FROM
11 DISCIPLINARY ACTION, CIVIL LIABILITY, AND CRIMINAL
12 PROSECUTION.
- 13 1. In the absence of bad faith, a drug
14 manufacturer is not subject to criminal prosecution or
15 civil liability for injury, death, or loss to a person
16 or property for matters related to the donation,
17 acceptance, or dispensing of a prescription drug
18 manufactured by the drug manufacturer that is donated
19 under this chapter, including liability for failure to
20 transfer or communicate product or consumer
21 information or the expiration date of the donated
22 prescription drug.
- 23 2. Except as provided in subsection 3, a person
24 other than a drug manufacturer subject to subsection
25 1, is immune from civil liability and criminal
26 prosecution for injury to or the death of an
27 individual to whom a donated prescription drug is
28 dispensed under this chapter and shall be exempt from
29 disciplinary action related to the person's acts or
30 omissions related to the donation, acceptance,
31 distribution, or dispensing of a donated prescription
32 drug under this chapter.
- 33 3. The immunity and exemption provided in
34 subsection 2 do not extend to any of the following:
- 35 a. The donation, acceptance, distribution, or
36 dispensing of a donated prescription drug under this
37 chapter by a person if the person's acts or omissions
38 involve reckless, wanton, or intentional misconduct.
- 39 b. To acts or omissions outside the scope of the
40 program.
- 41 Sec. 6. NEW SECTION. 135M.6 SAMPLE PRESCRIPTION

42 DRUGS.

43 This chapter shall not be construed to restrict the
44 use of samples by a physician or other person legally
45 authorized to prescribe drugs pursuant to section
46 147.107 during the course of the physician's or other
47 person's duties at a medical facility or pharmacy.
48 Sec. 7. NEW SECTION. 135M.7 RESALE PROHIBITED.
49 This chapter shall not be construed to authorize
50 the resale of prescription drugs by any person."

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1 2. Title page, line 1, by striking the words "and
2 redispensing".

3 3. Title page, by striking line 2 and inserting
4 the following: "repository program."

Swaim of Davis offered the following amendment H-1323, to amendment H-1269, filed by him, Murphy of Dubuque and Carroll of Poweshiek from the floor and moved its adoption:

H-1323

1 Amend the amendment, H-1269 to House File 724, as
2 follows:

3 1. Page 4, by striking lines 13 and 14, and
4 inserting the following:

5 "1. A drug manufacturer acting reasonably and in
6 good faith, is not subject to criminal prosecution
7 or".

8 2. Page 4, line 25, by inserting after the figure
9 "1," the following: "acting reasonably and in good
10 faith,".

11 3. Page 4, by striking line 38, and inserting the
12 following: "are not performed reasonably and in good
13 faith."

Amendment H-1323 was adopted.

On motion by Kurtenbach of Story, amendment H-1269, as amended, was adopted.

Kurtenbach of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 724)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 737, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date, was taken up for consideration.

Sands of Louisa offered the following amendment H-1188 filed by him and moved its adoption:

H-1188

- 1 Amend House File 737 as follows:
- 2 1. Page 1, line 25, by striking the words "loans

- 3 or" and inserting the following: "loans".
- 4 2. Page 1, line 26, by inserting after the word
- 5 "nature" the following: ", or otherwise do not
- 6 involve direct contact with loan applicants".
- 7 3. Page 1, line 35, by striking the words "loans
- 8 or" and inserting the following: "loans".
- 9 4. Page 2, line 1, by inserting after the word
- 10 "nature" the following: ", or otherwise do not
- 11 involve direct contact with loan applicants".

Amendment H-1188 was adopted.

Sands of Louisa offered the following amendment H-1074 filed by him and moved its adoption:

H-1074

- 1 Amend House File 737 as follows:
- 2 1. Page 2, by inserting after line 1, the
- 3 following:
- 4 "Sec. __. Section 535B.2, Code 2005, is amended
- 5 to read as follows:
- 6 535B.2 EXEMPTIONS.
- 7 This chapter, except for sections 535B.3, 535B.11,
- 8 535B.12, and 535B.13, does not apply to any of the
- 9 following:
- 10 1. A ~~national bank, bank holding company, savings~~
- 11 ~~bank, savings and loan association, or credit union~~
- 12 ~~organized under the laws of this state, another state,~~
- 13 ~~or the United States, or a subsidiary or affiliate of~~
- 14 ~~such a bank, bank holding company, savings bank,~~
- 15 ~~savings and loan association, or credit union.~~
- 16 2. A federally chartered savings and loan
- 17 association.
- 18 3. A federally chartered savings bank.
- 19 4. A federally chartered credit union.
- 20 5. 2. A loan company licensed under chapter 536
- 21 or 536A.
- 22 6. A bank organized under chapter 524.
- 23 7. A savings and loan association or savings bank
- 24 organized under chapter 524.
- 25 8. A credit union organized under chapter 533.
- 26 9. 3. An insurance company or a subsidiary or
- 27 affiliate of an insurance company organized under the
- 28 laws of this state, another state, or the United
- 29 States, and subject to regulation by the commissioner
- 30 of insurance.
- 31 10. A wholly owned subsidiary of an organization
- 32 listed in subsections 1 through 9 if the listed
- 33 organization has its principal place of business in
- 34 Iowa.

35 ~~11. A bank, savings and loan association, credit~~
 36 ~~union, or insurance company organized or chartered~~
 37 ~~under the laws of any other state, provided the~~
 38 ~~financial institution or insurance company has a place~~
 39 ~~of business in Iowa or in a county of another state if~~
 40 ~~that county is contiguous to an Iowa border.~~
 41 ~~12. 4. Mortgage lenders or mortgage bankers~~
 42 ~~maintaining an office in this state whose principal~~
 43 ~~business in this state is conducted with or through~~
 44 ~~mortgage lenders or mortgage bankers otherwise exempt~~
 45 ~~under this section and which maintain a place of~~
 46 ~~business in this state.~~
 47 5. An insurance producer licensed under chapter
 48 522B.
 49 6. An individual who is employed by a person
 50 otherwise exempt under this section, or who is under

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1 an exclusive contract with a person otherwise exempt
 2 under this section to the extent that the individual
 3 is acting within the scope of the individual's
 4 employment or exclusive contract with the exempt
 5 person and is acting within the scope of the exempt
 6 person's charter, license, authority, approval, or
 7 certificate.
 8 7. A real estate broker licensed under chapter
 9 543B.
 10 ~~13. 8. A nonprofit organization qualifying for~~
 11 ~~tax-exempt status under the Internal Revenue Code as~~
 12 ~~defined in section 422.3 which offers housing services~~
 13 ~~to low and moderate income families.~~
 14 ~~Sec. __. Section 535B.3, subsections 1 and 3,~~
 15 ~~Code 2005, are amended to read as follows:~~
 16 ~~1. A person exempt under section 535B.2,~~
 17 ~~subsection 10, 11, 12, or 13 4 or 8, shall register~~
 18 ~~with the administrator.~~
 19 ~~3. The registrant, except a nonprofit organization~~
 20 ~~exempt under section 535B.2, subsection 13 8, shall~~
 21 ~~pay an annual registration fee of one hundred~~
 22 ~~dollars."~~
 23 ~~2. Page 3, by inserting after line 29, the~~
 24 ~~following:~~
 25 ~~"Sec. __. Section 558.70, subsection 4, Code~~
 26 ~~2005, is amended to read as follows:~~
 27 ~~4. This section applies to a contract seller who~~
 28 ~~entered into four or more residential real estate~~
 29 ~~contracts in the three hundred sixty-five days~~
 30 ~~previous to the contract seller signing the contract~~
 31 ~~disclosure statement. For purposes of this~~
 32 ~~subsection, two or more entities sharing a common~~
 33 ~~owner or manager are considered a single contract~~

- 34 seller. This section does not apply to an
 35 organization listed in section 535B.2, subsections 1
 36 through 42 7."
 37 3. By renumbering as necessary.

Amendment H-1074 was adopted.

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. 737)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were and none.

Absent or not voting and none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 325 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 325 from further consideration by the House.

HOUSE FILE 115 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House File 115 from further consideration by the House.

Ways and Means Calendar

House File 589, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions, was taken up for consideration.

Kurtenbach of Story asked and received unanimous consent to withdraw amendment H-1100 filed by him on March 17, 2005.

Kurtenbach of Story asked and received unanimous consent to withdraw amendment H-1154 filed by him on March 22, 2005.

Kurtenbach of Story offered the following amendment H-1202 filed by him and moved its adoption:

H-1202

1 Amend House File 589 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 427.1, subsection 14,
5 unnumbered paragraph 2, Code 2005, is amended to read
6 as follows:

7 The assessor, in arriving at the valuation of any
8 property of the society or organization, shall take
9 into consideration any uses of the property not for
10 the appropriate objects of the organization and shall
11 assess in the same manner as other property, all or
12 any portion of the property involved which is leased
13 or rented and is used regularly for commercial
14 purposes for a profit to a party or individual. If a
15 portion of the property is used regularly for
16 commercial purposes, an exemption shall not be allowed
17 upon property so used and the exemption granted shall
18 be in the proportion of the value of the property used
19 solely for the appropriate objects of the

20 organization, to the entire value of the property.
 21 However, the board of trustees or the board of
 22 directors of a hospital, as defined in section 135B.1,
 23 may permit use of a portion of the hospital for
 24 commercial purposes, and the hospital is entitled to
 25 full exemption for that portion used for nonprofit
 26 health-related purposes, upon compliance with the
 27 filing requirements of this subsection. The property
 28 of a nursing facility, as defined in section 135C.1,
 29 subsection 13, which is exempt from federal income tax
 30 under section 501(c)(3) of the Internal Revenue Code,
 31 and otherwise qualified, is entitled to the full
 32 exemption of the property regardless of the proportion
 33 of residents of the facility for whom the cost of care
 34 is privately paid or paid under Title XIX of the
 35 federal Social Security Act, upon compliance with the
 36 filing requirements of this subsection.
 37 Sec. 2. EFFECTIVE AND APPLICABILITY DATE. This
 38 Act, being deemed of immediate importance, takes
 39 effect upon enactment and applies to property taxes
 40 due and payable in fiscal years beginning on or after
 41 July 1, 2005."

Amendment H-1202 was adopted.

Kurtenbach of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 589)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons

Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Ways and Means Calendar

House File 827, a bill for an act relating to the recognition and licensing of professional employer organizations and providing for penalties, was taken up for consideration.

Greiner of Washington offered the following amendment H-1293 filed by her and moved its adoption:

H-1293

- 1 Amend House File 827 as follows:
- 2 1. Page 4, line 10, by striking the word
- 3 "registration" and inserting the following:
- 4 "licensure".
- 5 2. Page 17, line 23, by striking the word
- 6 "registered" and inserting the following: "licensed".
- 7 3. Page 17, line 25, by striking the word
- 8 "registered" and inserting the following: "licensed".
- 9 4. Page 17, line 29, by striking the word
- 10 "registration" and inserting the following: "license".
- 11 5. Page 18, line 1, by striking the word
- 12 "registered" and inserting the following: "licensed".
- 13 6. Page 18, line 6, by striking the word
- 14 "REGISTRATION" and inserting the following: "LICENSE".
- 15 7. Page 18, line 7, by striking the words "
- 16 CIVIL PENALTY".
- 17 8. Page 18, line 8, by striking the word
- 18 "registration" and inserting the following: "license".
- 19 9. Page 18, line 9, by striking the word
- 20 "registration" and inserting the following: "license".
- 21 10. Title page, line 2, by inserting after the
- 22 word "for" the following: "fees and".

Amendment H-1293 was adopted.

Lensing of Johnson offered amendment H-1294 filed by Lensing, et al., as follows:

H-1294

1 Amend House File 827 as follows:

2 1. Page 5, line 22, by inserting after the word
3 "agreement." the following: "A coemployment
4 relationship between a professional employer
5 organization and a public employer as defined in
6 chapter 20 shall be deemed to be a coemployment
7 relationship between two public employers for the
8 purposes of chapter 20."

9 2. Page 10, line 15, by inserting after the word
10 "FEES" the following: "- APPROPRIATION".

11 3. Page 10, line 19, by striking the words "five
12 hundred" and inserting the following: "one thousand".

13 4. Page 10, line 22, by striking the words "five
14 hundred" and inserting the following: "one thousand".

15 5. Page 10, by inserting after line 34 the
16 following:

17 "6. APPROPRIATION. Fees collected pursuant to
18 this section are appropriated to the department for
19 the costs of administration of this chapter."

20 6. Title page, by striking line 2 and inserting
21 the following: "employer organizations, providing for
22 penalties, and making an appropriation."

Lensing of Johnson offered the following amendment H-1313, to amendment H-1294, filed by her from the floor and moved its adoption:

H-1313

1 Amend the amendment, H-1294, to House File 827 as
2 follows:

3 1. Page 1, by striking lines 2 through 8 and
4 inserting the following:

5 "___ Page 5, by inserting after line 22 the
6 following:

7 "2. PUBLIC EMPLOYEES. An agreement between a
8 public employer as defined in section 20.3 and a
9 professional employer organization shall not operate
10 to deny or limit the rights, benefits, or employment
11 of any covered employee who is a coemployee of the
12 public employer. Coemployment of a public employee as
13 a covered employee by a professional employer
14 organization pursuant to a professional employment

15 agreement between a public employer and a professional
 16 employer organization shall not be deemed to limit or
 17 to prevent the jurisdiction of the public employment
 18 relations board or the application of any provision of
 19 chapter 20 with regard to the public employee or the
 20 public employer."

21 ____ Page 5, line 23, by striking the figure "2."
 22 and inserting the following: "3."

23 ____ Page 6, line 8, by striking the figure "3."
 24 and inserting the following: "4."

25 ____ Page 6, line 28, by striking the figure "4."
 26 and inserting the following: "5.""

27 2. By renumbering as necessary.

Amendment H-1313 was adopted.

On motion by Lensing of Johnson, amendment H-1294, as amended, was adopted.

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. 827)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven

Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdryke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Regular Calendar

House File 772, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person, was taken up for consideration.

Raecker 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. 772)

The ayes were, 77:

Alons	Anderson	Baudler	Berry
Boal	Chambers	Dandekar	Davitt
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lukan
Maddox	May	Mertz	Miller
Murphy	Olson, D.	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rayhons	Reasoner	Reichert	Roberts
Sands	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Thomas	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdryke	Zirkelbach
Carroll, Presiding			

The nays were, 23:

Arnold	Bell	Bukta	Cohoon
De Boef	Hunter	Lalk	Lensing
Lykam	Mascher	McCarthy	Oldson
Olson, R.	Petersen	Rasmussen	Schickel
Taylor, D.	Taylor, T.	Tjepkes	Van Engelenhoven
Watts	Winckler	Wise	.

Absent or not voting, none.

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 589, 724, 737, 772 and 827.**

HOUSE FILE 791 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 791 from further consideration by the House.

INTRODUCTION OF BILLS

House File 840, by committee on ways and means, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility.

Read first time and placed on the **ways and means calendar.**

House File 841, by Gipp and Murphy, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Read first time and referred to committee on **human resources.**

The House stood at ease at 5:09 p.m., until the fall of the gavel.

The House resumed session at 5:29 p.m., Greiner of Washington in the chair.

HOUSE FILE 833 REREFERRED

The Speaker announced that House File 833, previously referred to the **ways and means calendar** was rereferred to committee on **judiciary**.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 5, 2005. Had I been present, I would have voted "aye" on amendments H-1281 and H-1295A to House File 825.

WINCKLER of Scott

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Eighth grade students from Odeboldt-Arthur School, Odeboldt, Iowa, accompanied by Joyce Falck and Steve Walsh. By Freeman of Buena Vista and Hoffman of Crawford.

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

- | | |
|-----------|--|
| 2005\1064 | Dale P. Figgins, State Center – For celebrating his 90 th birthday. |
| 2005\1065 | Joe Rash, Union – For celebrating his 80 th birthday. |
| 2005\1066 | Mary Jagerson, Madrid – For celebrating her 80 th birthday. |
| 2005\1067 | Marie Bailey, Ames – For celebrating her 85 th birthday. |
| 2005\1068 | Phyllis Reister, Ames – For celebrating her 85 th birthday. |
| 2005\1069 | Elsie Swanson, Ames – For celebrating her 85 th birthday. |
| 2005\1070 | Mary Beckman, Ames – For celebrating her 80 th birthday. |

- 2005\1071 Harriet Goslin, Ames – For celebrating her 80th birthday.
- 2005\1072 Fern Anderson, Ames – For celebrating her 80th birthday.
- 2005\1073 Marion Weiss, Ames – For celebrating her 80th birthday.
- 2005\1074 Patricia Rua, Ames – For celebrating her 80th birthday.
- 2005\1075 Kenneth Smith, Gilbert – For celebrating his 80th birthday.
- 2005\1076 Ronald Marshall, Ames – For celebrating his 80th birthday.
- 2005\1077 Thomas Mcelherne, Ames – For celebrating his 80th birthday.
- 2005\1078 Darwin Bradley, Glenwood – For celebrating his 80th birthday.
- 2005\1079 Mr. and Mrs. Harold Aulwes, Garber – For celebrating their 50th wedding anniversary.
- 2005\1080 Oliver and Rose Marie Doerring, Monona – For celebrating their 50th wedding anniversary.
- 2005\1081 Virgil and Carlyn Hunt, Edgewood – For celebrating their 60th wedding anniversary.
- 2005\1082 Bernelle Glawe, Elkader – For celebrating his 80th birthday.
- 2005\1083 Dorothy Rizer, Edgewood – For celebrating her 90th birthday.
- 2005\1084 Gertrude Wessels, Strawberry Point – For celebrating her 100th birthday.
- 2005\1085 John and Marge Connors, Des Moines – For celebrating their 60th wedding anniversary.
- 2005\1086 Carl Berning, Milford – For celebrating his 90th birthday.
- 2005\1087 Edith Hilsabeck, Spirit Lake – For celebrating her 95th birthday.
- 2005\1088 Josie England, Ruthven – For celebrating her 102nd birthday.
- 2005\1089 Michael David Hansen, Spirit Lake – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1090 Elmer and Mildred Andersen, Harlen – For celebrating their 70th wedding anniversary.
- 2005\1091 Mr. And Mrs. Robert H. Guy, Wilton – For celebrating their 60th wedding anniversary.

- 2005\1092 George and Mildred Jacoby, Marion -- For celebrating their 50th wedding anniversary.
- 2005\1093 Richard and Alice Kelly, Dubuque -- For celebrating their 50th wedding anniversary.
- 2005\1094 Richard and Eleanor Nunez, Dubuque -- For celebrating their 50th wedding anniversary.
- 2005\1095 Benjamin Pedersen, Rolfe -- For receiving the United States National Award in Band and in History and Government.
- 2005\1096 Jim and Marilyn Humke, Newton -- For celebrating their 50th wedding anniversary.
- 2005\1097 Bob and Pat Brooke, West Liberty -- For celebrating their 50th wedding anniversary.
- 2005\1098 Lowell and Darlene Van Briesen, Ashton -- For celebrating their 50th wedding anniversary.
- 2005\1099 Lyle and Audrey Mayer, Hartley -- For celebrating their 50th wedding anniversary.
- 2005\1100 Emery Dreher, Sibley -- For celebrating his 90th birthday.
- 2005\1101 Joseph Richard Noe, Altoona -- For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

House File 749

Ways and Means: Tomenga, Chair; Shomshor and Soderberg.

House File 806

Ways and Means: Drake, Chair; Frevert and Lalk.

Senate File 275

Agriculture: Struyk, Chair; Drake and Mertz.

Senate File 342

Appropriations: Dix, Chair; Petersen and Watts.

Senate File 346

Appropriations: May, Chair; Roberts and Smith.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 287

Ways and Means: Kaufmann, Chair; Lalk and Shoultz.

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

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly House File 671), relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2005.

Committee Bill (Formerly House File 715), relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2005.

Committee Bill (Formerly House File 792), providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 4, 2005.

RESOLUTION FILED

HR 35, by Rants, Frevert and Huser, a resolution to honor professional golfer Zach Johnson.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1312	H.F.	829	Alons of Sioux
H—1318	S.F.	206	Rayhons of Hancock
H—1319	H.F.	805	Struyk of Pottawattamie
H—1324	H.F.	807	Horbach of Tama
H—1326	H.F.	820	Struyk of Pottawattamie
H—1327	H.F.	807	T. Taylor of Linn
H—1328	H.F.	811	T. Taylor of Linn
H—1329	H.F.	829	Wessel-Kroeschell of Story
H—1330	H.F.	461	Hogg of Linn
H—1331	S.F.	206	Baudler of Adair
H—1332	H.F.	811	Dix of Butler Horbach of Tama
H—1333	H.F.	811	Horbach of Tama

On motion by Gipp of Winneshiek the House adjourned at 5:29 p.m., until 8:45 a.m., Wednesday, April 6, 2005.

JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Fifty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 6, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Ahmed Kamal, member of the Board of Directors of the Darul Argum Islamic Center of Ames. He was the guest of Representative Lisa Heddens from Story County and Representative Beth Wessel-Kroeschell from Story County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 5, 2005 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, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 186, a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

Also: That the Senate has on April 5, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 187, a bill for an act relating to the utility replacement tax task force.

Also: That the Senate has on April 5, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 220, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision.

Also: That the Senate has on April 5, 2005, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 246, a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

Also: That the Senate has on April, 2005, passed the following bill in which the concurrence of the Senate is asked:

Senate File 341, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

Also: That the Senate has on April 5, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 344, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

Also: That the Senate has on April 5, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 379, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

Also: That the Senate has on April 5, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 395, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

MICHAEL E. MARSHALL, Secretary

On motion by Gipp of Winneshiek, the House was recessed at 8:58 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 2:08 p.m., Speaker Rants in the chair.

SENATE MESSAGES CONSIDERED

Senate File 220, by committee on education, a bill for an act relating to requirements and support for school districts, including changing the school start date, eliminating authorization for a school district to request approval for an earlier start date, and providing for matters related to the expansion of physical plant and equipment levy revenue, and including an applicability provision.

Read first time and referred to committee on **education**.

Senate File 341, by committee on human resources, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

Read first time and referred to committee on **human resources**.

Senate File 344, by committee on transportation, a bill for an act relating to the required fuel efficiency of newly purchased state vehicles.

Read first time and referred to committee on **transportation**.

Senate File 395, by committee on ways and means, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

Read first time and referred to committee on **ways and means**.

CONSIDERATION OF BILLS

Appropriations Calendar

House File 807, a bill for an act relating to and making appropriations to the judicial branch, and providing an effective date, was taken up for consideration.

The House stood at ease at 2:10 p.m., until the fall of the gavel.

The House resumed session at 3:12 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

House File 842, by Foege, a bill for an act expanding prohibitions of unfair or discriminatory practices at educational institutions.

Read first time and referred to committee on **education**.

House File 843, by committee on ways and means, a bill for an act providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

House File 844, by committee on ways and means, a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency, or bullion.

Read first time and placed on the **ways and means calendar**.

The House resumed consideration of House File 807.

T. Taylor of Linn offered the following amendment H-1327 filed by him and moved its adoption:

H-1327

- 1 Amend House File 807 as follows:
- 2 1. Page 1, by striking line 20 and inserting the
- 3 following:
- 4 "..... \$125,084,282"

Roll call was requested by T. Taylor of Linn and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-1327 be adopted?" (H.F. 807)

The ayes were, 50:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foegen
Ford	Frevort	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Rayhons	Reasoner	Reichert	Schueller
Shomshor	Shoultz	Smith	Swaim
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyeke	Mr. Speaker		
	Rants		

Absent or not voting, none.

Amendment H-1327 lost.

Horbach of Tama offered the following amendment H-1324 filed by him and moved its adoption:

H-1324

- 1 Amend House File 807 as follows:
- 2 1. Page 1, line 25, by striking the words "for
- 3 administration and operations" and inserting the
- 4 following: "to enhance court technology".
- 5 2. Page 1, line 33, by inserting after the word
- 6 "subsection." the following: "Notwithstanding section
- 7 8.33, moneys appropriated in this subsection that
- 8 remain unencumbered or unobligated at the close of the
- 9 fiscal year shall not revert but shall remain
- 10 available for expenditure for the purposes designated
- 11 until expended."

Amendment H-1324 was adopted.

R. Olson of Polk asked and received unanimous consent to withdraw amendment H-1258 filed by him on March 30, 2005.

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. 807)

The ayes were, 60:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	McCarthy	Mertz
Olson, R.	Olson, S.	Paulsen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Swaim	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Mr. Speaker Rants

The nays were, 40:

Berry	Bukta	Cohoon	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Heddens	Hogg	Hunter
Jacoby	Jochum	Kressig	Kuhn
Lensing	Lykam	Mascher	Miller
Murphy	Oldson	Olson, D.	Petersen
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, none.

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 807** be immediately messaged to the Senate.

House File 811, a bill for an act relating to and making appropriations to the justice system, was taken up for consideration.

Dix of Butler offered the following amendment H-1332 filed by him and Horbach of Tama and moved its adoption:

H-1332

1 Amend House File 811 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "DIVISION I

5 FY 2005-2006 APPROPRIATIONS"

6 2. Page 21, by inserting after line 29 the
7 following:

8 "DIVISION II

9 SUPPLEMENTAL APPROPRIATIONS

10 DEPARTMENT OF CORRECTIONS – FACILITIES

11 Sec. __. 2004 Iowa Acts, chapter 1175, section
12 183, subsection 1, paragraph c, is amended to read as
13 follows:

14 c. For the operation of the Oakdale correctional
15 facility, including salaries, support, maintenance,
16 and miscellaneous purposes:

17 \$ 23,536,936
18 23,636,936

19 Of the funds allocated in this paragraph "c",
20 \$100,000 is allocated for the costs of remodeling and
21 construction to establish a specialized 24-bed mental
22 health unit for offenders who are not ordered to
23 inpatient mental health treatment. The unit shall
24 operate as an adjunct to the licensed hospital program
25 within the Oakdale correctional facility.

26 DEPARTMENT OF CORRECTIONS – ADMINISTRATION

27 Sec. __. 2004 Iowa Acts, chapter 1175, section
28 184, subsection 1, paragraph a, unnumbered paragraph
29 1, is amended to read as follows:

30 For general administration, including salaries,
31 support, maintenance, employment of an education
32 director to administer a centralized education program
33 for the correctional system, and miscellaneous
34 purposes:

35 \$ 2,784,393
36 3,198,809

37 JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
38 SERVICES

39 Sec. __. 2004 Iowa Acts, chapter 1175, section
40 185, subsection 1, is amended to read as follows:

41 1. There is appropriated from the general fund of
42 the state to the department of corrections for the
43 fiscal year beginning July 1, 2004, and ending June
44 30, 2005, the following amounts, or so much thereof as
45 is necessary, to be allocated as follows:

46 a. For the first judicial district department of
47 correctional services, including the treatment and
48 supervision of probation and parole violators who have
49 been released from the department of corrections
50 violator program, the following amount, or so much

Page 2

1 thereof as is necessary:
 2 \$ 10,090,207
 3 10,142,332

4 b. For the second judicial district department of
 5 correctional services, including the treatment and
 6 supervision of probation and parole violators who have
 7 been released from the department of corrections
 8 violator program, the following amount, or so much
 9 thereof as is necessary:
 10 \$ 7,755,402
 11 7,803,027

12 c. For the third judicial district department of
 13 correctional services, including the treatment and
 14 supervision of probation and parole violators who have
 15 been released from the department of corrections
 16 violator program, the following amount, or so much
 17 thereof as is necessary:
 18 \$ 4,631,423
 19 4,668,548

20 d. For the fourth judicial district department of
 21 correctional services, including the treatment and
 22 supervision of probation and parole violators who have
 23 been released from the department of corrections
 24 violator program, the following amount, or so much
 25 thereof as is necessary:
 26 \$ 4,248,965
 27 4,268,465

28 e. For the fifth judicial district department of
 29 correctional services, including the treatment and
 30 supervision of probation and parole violators who have
 31 been released from the department of corrections
 32 violator program, the following amount, or so much
 33 thereof as is necessary:
 34 \$ 12,982,837
 35 13,105,462

36 f. For the sixth judicial district department of
 37 correctional services, including the treatment and
 38 supervision of probation and parole violators who have
 39 been released from the department of corrections
 40 violator program, the following amount, or so much
 41 thereof as is necessary:
 42 \$ 10,064,717
 43 10,105,217

44 g. For the seventh judicial district department of
 45 correctional services, including the treatment and
 46 supervision of probation and parole violators who have
 47 been released from the department of corrections
 48 violator program, the following amount, or so much
 49 thereof as is necessary:
 50 \$ 5,677,314

Page 3

1 5,700,939
2 h. For the eighth judicial district department of
3 correctional services, including the treatment and
4 supervision of probation and parole violators who have
5 been released from the department of corrections
6 violator program, the following amount, or so much
7 thereof as is necessary:
8 \$ 5,574,865
9 5,606,740

10 The appropriations made in this subsection include
11 additional funding for costs to address additional
12 methamphetamine drug offenders under supervision.

13 Sec. __. 2004 Iowa Acts, chapter 1175, section
14 188, is amended to read as follows:
15 SEC. 188. STATE PUBLIC DEFENDER. There is
16 appropriated from the general fund of the state to the
17 office of the state public defender of the department
18 of inspections and appeals for the fiscal year
19 beginning July 1, 2004, and ending June 30, 2005, the
20 following amounts, or so much thereof as is necessary,
21 to be allocated as follows for the purposes
22 designated:

23 1. For salaries, support, maintenance, and
24 miscellaneous purposes, and for not more than the
25 following full-time equivalent positions:
26 \$ 16,663,446
27 18,247,561
28 FTEs 202.00

29 2. For the fees of court-appointed attorneys for
30 indigent adults and juveniles, in accordance with
31 section 232.141 and chapter 815:
32 \$ 19,355,207
33 22,251,339

34 Sec. __. 2004 Iowa Acts, chapter 1175, section
35 192, subsection 2, unnumbered paragraph 1, is amended
36 to read as follows:

37 For the division of criminal investigation and
38 bureau of identification, including the state's
39 contribution to the peace officers' retirement,
40 accident, and disability system provided in chapter
41 97A in the amount of 17 percent of the salaries for
42 which the funds are appropriated, to meet federal fund
43 matching requirements, and for not more than the
44 following full-time equivalent positions:
45 \$ 14,058,510
46 14,208,510
47 FTEs 221.50

48 Sec. __. 2004 Iowa Acts, chapter 1175, section
49 193, is amended to read as follows:
50 SEC. 193. CIVIL RIGHTS COMMISSION. There is

Page 4

1 appropriated from the general fund of the state to the
2 Iowa state civil rights commission for the fiscal year
3 beginning July 1, 2004, and ending June 30, 2005, the
4 following amount, or so much thereof as is necessary,
5 to be used for the purposes designated:

6 For salaries, support, maintenance, miscellaneous
7 purposes, and for not more than the following full-
8 time equivalent positions:

9	\$	825,752
10		<u>881,752</u>
11	FTEs	28.00

12 The Iowa state civil rights commission may enter
13 into a contract with a nonprofit organization to
14 provide legal assistance to resolve civil rights
15 complaints.

16 Sec. __. EFFECTIVE DATE. This division of this
17 Act, being deemed of immediate importance, takes
18 effect upon enactment."

19 3. Title page, line 2, by inserting after the
20 word "system" the following: "and providing an
21 effective date".

22 4. By renumbering as necessary.

Roll call was requested by Reasoner of Union and Whitaker of Van Buren.

On the question "Shall amendment H-1332 be adopted?" (H.F. 811)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevort
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons

Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

Amendment H-1332 was adopted.

Horbach of Tama offered the following amendment H-1333 filed by him and moved its adoption:

H-1333

1 Amend House File 811 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "APPROPRIATIONS"

5 2. Page 2, line 22, by striking the words "to be
6 used for administration and operations" and inserting
7 the following: "of which \$250,000 shall be used for
8 the civil commitment of sexually violent predators".

9 3. Page 14, by inserting after line 1 the
10 following:

11 "Sec. ____ ELECTRONIC TRACKING AND MONITORING. .Of
12 the amounts appropriated in sections 4, 5, and 6, the
13 department of corrections shall allocate the funds
14 necessary for electronic tracking and monitoring of
15 persons under supervision and who are required to
16 register as sex offenders.

17 It is the intent of the general assembly that
18 persons who are subject to electronic tracking and
19 monitoring shall reimburse the department of
20 corrections the cost of such tracking and monitoring."

21 4. Page 20, by inserting after line 32 the
22 following:

23 "Of the amounts appropriated in this section, the
24 department shall allocate the funds necessary for the
25 DNA profiling of all felons. In addition, of the
26 amounts appropriated in this section the department
27 shall allocate the funds necessary for personnel to
28 maintain information, including addresses and

29 photographs, for the sex offender registry's internet
 30 page, and shall allocate \$25,000 to update the sex
 31 offender registry."

Roll call was requested by Murphy of Dubuque and Mascher of Johnson.

On the question "Shall amendment H-1333 be adopted?" (H.F. 811)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevrt
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker Rants

The nays were, none.

Absent or not voting, none

Amendment H-1333 was adopted.

Mascher of Johnson offered the following amendment H-1123 filed by her and moved its adoption:

H-1123

- 1 Amend House File 811 as follows:
 2 1. Page 1, by striking line 24 and inserting the
 3 following:
 4 "..... \$ 1,935,86"

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

Rule 75 was invoked.

On the question "Shall amendment H-1123 be adopted?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsep	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1123 lost.

Mascher of Johnson offered the following amendment H-1124 filed by her and moved its adoption:

H-1124

- 1 Amend House File 811 as follows:
- 2 1. Page 1, by striking line 31, and inserting the
- 3 following:
- 4 "..... \$ 1,500,000"

Roll call was requested by Mascher of Johnson and Whitaker of Van Buren.

On the question "Shall amendment H-1124 be adopted?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

Amendment H-1124 lost.

Horbach of Tama asked and received unanimous consent that amendment H-1126 be deferred.

Alons of Sioux in the chair at 4:19 p.m.

Murphy of Dubuque offered the following amendment H-1304 filed Murphy, et al., and moved its adoption:

H-1304

- 1 Amend House File 811 as follows:
- 2 1. Page 13, by inserting after line 18-the
- 3 following:
- 4 "2. There is appropriated from the general fund of
- 5 the state to the department of corrections for the
- 6 fiscal year beginning July 1, 2005, and ending June
- 7 30, 2006, the following amount, or so much thereof as
- 8 is necessary, to be used for the purpose designated:
- 9 For use by the judicial district departments of
- 10 correctional services for electronic tracking and
- 11 monitoring of persons required to register as sex
- 12 offenders:
- 13\$ 2,300,000"
- 14 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-1304 be adopted?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Hedders
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell

Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Anderson	Arnold	Baudler	Boal
Carroll	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Alons,	
		Presiding	

Absent or not voting, none.

Amendment H-1304 lost.

Murphy of Dubuque offered amendment H-1305 filed by Murphy, et al., as follows:

H-1305

- 1 Amend House File 811 as follows:
- 2 1. Page 17, by inserting after line 31 the
- 3 following:
- 4 "1A. For the DNA profiling of felons:
- 5\$ 1,078,808"

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment H-1305 be adopted?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz

Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Anderson	Arnold	Baudler	Boal
Carroll	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Alons, Presiding		

Absent or not voting, 1:

Tymeson

Amendment H-1305 lost.

T. Taylor of Linn offered amendment H-1328 filed by him as follows:

H-1328

1 Amend House File 811 as follows:
 2 1. Page 18, by striking line 4 and inserting the
 3 following:
 4 "..... \$ 14,075,052"

T. Taylor of Linn offered the following amendment H-1335, to amendment H-1328, filed by him from the floor and moved its adoption:

H-1335

1 Amend the amendment, H-1328, to House File 811 as
 2 follows:
 3 1. Page 1, line 4, by striking the figure

- 4 "14,075,052" and inserting the following:
 5 "15,539,052".
 6 2. Page 1, by inserting after line 4 the
 7 following:
 8 "___". Page 19, line 21, by striking the figure
 9 "43,151,973" and inserting the following:
 10 "43,511,973".
 11 3. By renumbering as necessary.

Amendment H-1335 was adopted.

T. Taylor of Linn moved the adoption of amendment H-1328, as amended.

Roll call was requested by T. Taylor of Linn and Murphy of Dubuque.

On the question "Shall amendment H-1328, as amended, be adopted?" (H.F. 811)

The ayes were, 48:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schuessler	Shomshor	Shultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 52:

Anderson	Arnold	Baudler	Boal
Carroll	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Fallon	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Alons, Presiding

Absent or not voting, none.

Amendment H-1328 lost.

Hogg of Linn asked and received unanimous consent to defer amendment H-1286.

Murphy of Dubuque offered the following amendment H-1306 filed by Murphy, et al., and moved its adoption:

H-1306

1 Amend House File 811 as follows:
 2 1. Page 18, by inserting after line 5 the
 3 following:
 4 "2A. For three agents to maintain information,
 5 including addresses and photographs, for the sex
 6 offender registry's web page:
 7 \$ 330,000
 8FTEs 3.00"

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall amendment H-1306 be adopted?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foegen
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Anderson	Arnold	Baudler	Boal
Carroll	Chambers	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Alons,	
		Presiding	

Absent or not voting, none.

Amendment H-1306 lost.

Whitaker of Van Buren offered the following amendment H-1236 filed by him and moved its adoption:

Speaker Rants in the chair at 4:57 p.m.

H-1236

1 Amend House File 811 as follows:
 2 1. Page 21, by inserting after line 11, the
 3 following:
 4 "Sec. __. PILOT PROJECT. The division of
 5 criminal investigation and bureau of identification of
 6 the department of public safety shall conduct a pilot
 7 project to evaluate the use of brain fingerprinting as
 8 a pretrial investigative technique, including, but not
 9 limited to, the effectiveness of brain fingerprinting
 10 as a method of reducing investigatory costs by
 11 assisting in determining whether a defendant has
 12 knowledge of specific information regarding a crime
 13 and the effectiveness of brain fingerprinting as a
 14 method of reducing trial costs by assisting the county
 15 attorney or the defendant in determining the validity
 16 of the criminal offense charged. The pilot project
 17 shall be conducted pursuant to a contract with an Iowa
 18 business that has experience using brain
 19 fingerprinting technology in actual criminal cases.
 20 The contract shall contain a provision under which the
 21 business 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, 2006."

A non-record roll call was requested.

The ayes were 17, nays 48.

Amendment H-1236 lost.

Jochum of Dubuque offered amendment H-1138 filed by her and Ford of Polk as follows:

H-1138

1 Amend House File 811 as follows:

2 1. Page 21, by inserting after line 11 the
3 following:

4 "Sec. ___. Section 99D.15, Code 2005, is amended
5 by adding the following new subsection:

6 NEW SUBSECTION. 6. a. One-quarter of one percent
7 of the gross sum wagered by the pari-mutuel method
8 from the tax revenue received by the commission
9 pursuant to subsections 1 and 3 is appropriated to the
10 department of corrections to be used for inmate
11 substance abuse and mental health treatment.

12 b. One-quarter of one percent of the gross sum
13 wagered by the pari-mutuel method from the tax revenue
14 received by the commission pursuant to subsections 1
15 and 3 is appropriated to the Iowa department of public
16 health to be used for substance abuse treatment.

17 Sec. ___. Section 99F.11, subsection 3, Code 2005,
18 is amended by adding the following new paragraphs:

19 NEW PARAGRAPH. dd. One-quarter of one percent of
20 the adjusted gross receipts is appropriated to the
21 department of corrections to be used for inmate
22 substance abuse and mental health treatment.

23 NEW PARAGRAPH. de. One-quarter of one percent of
24 the adjusted gross receipts is appropriated to the
25 Iowa department of public health to be used for
26 substance abuse treatment.

27 Sec. ___. Section 99G.39, subsection 1, Code 2005,
28 is amended by adding the following new paragraphs:

29 NEW PARAGRAPH. c. An amount equal to one-quarter

30 of one percent of the gross lottery revenue for the
 31 year is appropriated to the department of corrections
 32 to be used for inmate substance abuse and mental
 33 health treatment.
 34 NEW PARAGRAPH. d. An amount equal to one-quarter
 35 of one percent of the gross lottery revenue for the
 36 year is appropriated to the Iowa department of public
 37 health to be used for substance abuse treatment."
 38 2. By renumbering as necessary.

Horbach of Tama rose on a point of order that amendment H-1138 was not germane.

The Speaker ruled the point well taken and amendment H-1138 not germane.

Jochum of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-1138.

Objection was raised.

Jochum of Dubuque moved to suspend the rules to consider amendment H-1138.

Roll call was requested by Murphy of Dubuque and Pettengill of Benton.

On the question "Shall the rules be suspended to consider amendment H-1138?" (H.F. 811)

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevort	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Mr. Speaker	
		Rants	

Absent or not voting, none.

The motion to suspend the rules lost.

Foege of Linn offered amendment H-1246 filed by Foege, et al., as follows:

H-1246

1 Amend House File 811 as follows:
 2 1. Page 21, by inserting after line 29 the
 3 following:
 4 "Sec. ___ Section 815.7, Code 2005, is amended to
 5 read as follows:
 6 815.7 FEES TO ATTORNEYS.
 7 An attorney who has not entered into a contract
 8 authorized under section 13B.4 and who is appointed by
 9 the court to represent any person charged with a crime
 10 in this state, seeking postconviction relief, against
 11 whom a contempt action is pending, appealing a
 12 criminal conviction, appealing a denial of
 13 postconviction relief, or subject to a proceeding
 14 under section 811.1A or chapter 229A or 812, or to
 15 serve as counsel for any person or guardian ad litem
 16 for any child in juvenile court, shall be entitled to
 17 reasonable compensation and expenses. For
 18 appointments made on or after July 1, 1999, the
 19 reasonable compensation shall be calculated on the
 20 basis of ~~sixty~~ sixty-five dollars per hour for class
 21 "A" felonies, ~~fifty-five~~ sixty dollars per hour for
 22 class "B" felonies, and ~~fifty~~ fifty-five dollars per
 23 hour for all other cases. The expenses shall include
 24 any sums as are necessary for investigations in the
 25 interest of justice, and the cost of obtaining the

26 transcript of the trial record and briefs if an appeal
27 is filed. The attorney need not follow the case into
28 another county or into the appellate court unless so
29 directed by the court. If the attorney follows the
30 case into another county or into the appellate court,
31 the attorney shall be entitled to compensation as
32 provided in this section. Only one attorney fee shall
33 be so awarded in any one case except that in class "A"
34 felony cases, two may be authorized."

Huser of Polk offered the following amendment H-1337, to amendment H-1246, filed by her from the floor and moved its adoption:

H-1337

- 1 Amend the amendment, H-1246, to House File 811 as
- 2 follows:
- 3 1. Page 1, line 18, by striking the figure "1999"
- 4 and inserting the following: "~~1999~~ 2006".
- 5 2. Page 1, by inserting after line 34 the
- 6 following:
- 7 "___ Page 21, by inserting after line 29 the
- 8 following:
- 9 "Sec. ___. EFFECTIVE DATE. The section of this
- 10 Act amending section 815.7 takes effect on July 1,
- 11 2006."
- 12 "___ Title page, line 2, by inserting after the
- 13 word "system" the following: ", and providing an
- 14 effective date"."
- 15 3. By renumbering as necessary.

Amendment H-1337 was adopted.

Horbach of Tama rose on a point of order that amendment H-1246, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1246, as amended, not germane.

Foege of Linn moved to suspend the rules to consider amendment H-1246, as amended.

Roll call was requested by Horbach of Tama and S. Olson of Clinton.

On the question "Shall the rules be suspended to consider amendment H-1246, as amended?" (H.F. 811)

The ayes were, 48:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Maddox
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyeke	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Hunter

The motion to suspend the rules lost.

Horbach of Tama offered amendment H-1126, previously deferred filed by him and T. Taylor of Linn as follows:

H-1126

- 1 Amend House File 811 as follows:
- 2 1. Page 11, by inserting after line 33 the
- 3 following:
- 4 " _____. It is the intent of the general assembly

5 that as a condition of receiving the appropriation
6 provided in this lettered paragraph, the department
7 shall not enter into any agreement with a private
8 sector nongovernmental entity for the purpose of
9 housing inmates committed to the custody of the
10 director of the department, without express
11 authorization of the general assembly to do so."

Huser of Polk offered the following amendment H-1338, to amendment H-1126, filed by her from the floor and moved its adoption:

H-1338

1 Amend the amendment, H-1126, to House File 811 as
2 follows:

3 1. Page 1, by inserting after line 11 the
4 following:

5 "___ Page 19, by inserting after line 12 the
6 following: "Of the amount appropriated in this
7 paragraph, the state fire marshal shall allocate \$200
8 for the mailing of a notice to all affected agencies
9 or emergency services providers informing the agencies
10 or providers about the requirement of an autopsy under
11 section 144.56A".

12 ___ Page 21, by inserting after line 29 the
13 following:

14 "Sec. ___. NEW SECTION. 144.56A PUBLIC SAFETY
15 OFFICER DEATH – REQUIRED NOTICE – AUTOPSY.

16 A person who is authorized to pronounce individuals
17 dead is required to inform one of the persons
18 authorized to request an autopsy, as provided in
19 section 144.56, that an autopsy will be required if
20 the individual who died was a public safety officer
21 who may have died in the line of duty and an eligible
22 beneficiary of the deceased seeks to claim a federal
23 public safety officer death benefit.""

24 2. By renumbering as necessary.

Amendment H-1338 was adopted.

On motion by Horbach of Tama amendment H-1126, as amended, was adopted.

Hogg of Linn asked and received unanimous consent to withdraw amendment H-1286, previously deferred, filed by him on March 31, 2005.

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. 811)

The ayes were, 58:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
May	McCarthy	Mertz	Miller
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Shoultz	Soderberg	Struyk	Swaim
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

The nays were, 42:

Bell	Berry	Bukta	Cphoon
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Smith
Taylor, D.	Taylor, T.	Thomas	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

Absent or not voting, none.

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 811** 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 6, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act limiting the preference to purchase an unused right-of-way.

Also: That the Senate has on April 6, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Ways and Means Calendar

House File 822, a bill for an act relating to deer population management and providing penalties and appropriations, was taken up for consideration.

Rayhons of Hancock offered the following amendment H-1178 filed by him and moved its adoption:

H-1178

1 Amend House File 822 as follows:

2 1. Page 1, by inserting before line 1, the
3 following:

4 "Section 1. Section 170.1, subsection 4, Code
5 2005, is amended to read as follows:

6 4. "Farm deer" means an animal belonging to the
7 cervidae family and classified as part of the dama
8 species of the dama genus, commonly referred to as
9 fallow deer; part of the elaphus species of the cervus
10 genus, commonly referred to as red deer or elk; part
11 of the virginianus species of the odocoileus genus,
12 commonly referred to as whitetail; part of the
13 hemionus species of the odocoileus genus, commonly
14 referred to as mule deer; or part of the nippon
15 species of the cervus genus, commonly referred to as
16 sika. However, a farm deer does not include any
17 unmarked free-ranging elk, whitetail deer, or mule

18 deer, or whitetail deer on hunting preserves regulated
19 under chapter 484B.

20 Sec. 2. Section 483A.1, subsection 2, paragraph c,
21 Code 2005, is amended to read as follows:

22 c. Hunting license, eighteen years of age or older

23 \$ 80.00
24 100.00"

25 2. Page 1, line 34, by inserting after the word
26 "of" the following: "deer herd population management,
27 including".

28 3. Page 2, line 6, by inserting after the word
29 "of" the following: "deer herd population management,
30 including".

31 4. Page 2, by striking lines 21 through 23, and
32 inserting the following: "licenses have been issued,
33 all additional licenses shall be issued for antlerless
34 deer only. The commission shall annually determine the
35 number of nonresident antlerless deer only deer
36 hunting licenses that will be available for issuance."

37 5. Page 2, by striking line 24, and inserting the
38 following:
39 "d. The commission shall allocate the all
40 nonresident deer".

41 6. Page 3, line 9, by striking the words "help us
42 stop hunger program" and inserting the following:
43 "purpose of deer herd population management".

44 7. By striking page 3, line 22, through page 4,
45 line 6, and inserting the following: "information
46 pursuant to this section as is required by the
47 commission by rule.

48 2. A nonresident deer hunter who violates this
49 section shall not be issued another deer hunting
50 license for the next year until after all other

Page 2

1 nonresident applications for deer hunting licenses
2 have been fulfilled and then only if such licenses
3 allocated remain available for issuance."

4 8. Page 4, by striking lines 7 through 30, and
5 inserting the following:

6 "Sec. __. Section 483A.24, subsection 2,
7 paragraph a, subparagraph (2), Code 2005, is amended
8 to read as follows:

9 (2) "Farm unit" means all parcels of land which
10 are certified by the commission pursuant to rule as
11 meeting all of the following requirements:

12 (a) Are in tracts of ten acres or more, not
13 necessarily contiguous;

14 (b) which are Are operated as a unit for
15 agricultural purposes and which are,

16 (c) Are under the lawful control of the owner or

17 ~~the~~ tenant.

18 The commission shall adopt rules establishing a
19 procedure for the certification of parcels of land as
20 farm units for the purposes of this subsection.

21 Sec. __. Section 483A.24, subsection 2, paragraph
22 b, Code 2005, is amended to read as follows:

23 b. Upon written application on forms furnished by
24 the department, the department shall issue annually
25 without fee ~~one deer or one wild turkey license, or~~
26 ~~both,~~ to the owner of a farm unit or to a member of
27 the owner's family, but not to both, and to the tenant
28 or to a member of the tenant's family, but not to
29 both. ~~The deer hunting license or wild turkey hunting~~
30 ~~license issued shall be valid only on the farm unit~~
31 ~~for which an applicant qualifies pursuant to this~~
32 ~~subsection and shall be equivalent to the least~~
33 ~~restrictive license issued under section 481A.38. The~~
34 ~~owner or the tenant need not reside on the farm unit~~
35 ~~to qualify for a free license to hunt on that farm~~
36 ~~unit. A free deer hunting license issued pursuant to~~
37 ~~this subsection shall be valid during all shotgun deer~~
38 ~~seasons.~~

39 Sec. __. Section 483A.24, subsection 2, Code
40 2005, is amended by adding the following new
41 paragraph:

42 **NEW PARAGRAPH.** c. Upon written application on
43 forms furnished by the department, the department
44 shall issue annually without fee two deer hunting
45 licenses, one antlered or any sex deer hunting license
46 and one antlerless deer only deer hunting license, to
47 the owner of a farm unit or a member of the owner's
48 family, but only a total of two licenses for both, and
49 to the tenant of a farm unit or a member of the
50 tenant's family, but only a total of two licenses for

Page 3

1 both. The deer hunting licenses issued shall be valid
2 only for use on the farm unit for which the applicant
3 applies pursuant to this paragraph. The owner or the
4 tenant need not reside on the farm unit to qualify for
5 the free deer hunting licenses to hunt on that farm
6 unit. The free deer hunting licenses issued pursuant
7 to this paragraph shall be valid and may be used
8 during any shotgun deer season. The licenses may be
9 used to harvest deer in two different seasons. In
10 addition, a person who receives a free deer hunting
11 license pursuant to this paragraph shall pay a one
12 dollar fee for each license that shall be used and is
13 appropriated for the purpose of assisting with the
14 cost of processing deer donated to the help us stop
15 hunger program administered by the commission."

16 9. Page 4, line 34, by striking the words "'b"
 17 or".
 18 10. By striking page 5, line 17, through page 6,
 19 line 13, and inserting the following:
 20 "Sec. NEW SECTION. 483A.24B SPECIAL DEER
 21 HUNTS – INTENT – PENALTY.

22 It is the intent of the general assembly that the
 23 department shall administer and enforce the
 24 administrative rules concerning special deer hunts
 25 promulgated pursuant to sections 481A.38 and 481A.39.
 26 A person violating such rules is guilty of a simple
 27 misdemeanor punishable as a scheduled violation as
 28 provided in section 483A.42.

29 Sec. NEW SECTION. 483A.24C DEER DEPREDATION
 30 MANAGEMENT AGREEMENTS – PERMITS.

31 It is the intent of the general assembly that the
 32 department shall administer and enforce the
 33 administrative rules concerning deer depredation that
 34 are contained in 571 IAC chapter 106.

35 Sec. Section 483A.24A, Code 2005, is
 36 repealed."

37 11. By renumbering as necessary.

Amendment H-1178 was adopted.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment H-1170 filed by him on March 23, 2005.

SENATE FILE 206 SUBSTITUTED FOR HOUSE FILE 822

Rayhons of Hancock asked and received unanimous consent to substitute Senate File 206 for House File 822.

Senate File 206, a bill for an act relating to deer population management and providing penalties and appropriations, was taken up for consideration.

Rayhons of Hancock offered amendment H-1282 filed by him as follows:

H-1282

1 Amend Senate File 206, as amended, passed, and
 2 reprinted by the Senate, as follows:

- 3 1. Page 1, by striking lines 1 through 14.
- 4 2. Page 4, by striking lines 11 through 17 and
- 5 inserting the following: "information pursuant to
- 6 this section. Information collected by the commission

7 pursuant to the deer harvest reporting system from a
8 deer hunter who takes a deer shall be limited to the
9 following:

- 10 a. The county where the deer was taken.
- 11 b. The season during which the deer was taken.
- 12 c. The sex of the deer taken.
- 13 d. The age of the deer taken.
- 14 e. The type of weapon used.
- 15 f. The hunting license number of the hunter.
- 16 g. The number of days the hunter hunted.
- 17 h. The total number of deer taken by the hunter.

18 2. The deer harvest reporting system established
19 by the commission shall utilize and is limited to
20 utilizing one or more of the following methods of
21 reporting deer taken by hunters:

- 22 a. A toll-free telephone number.
- 23 b. A postcard.
- 24 c. Reporting at an electronic licensing location.
- 25 d. Electronic internet communication."

26 3. Page 6, by striking lines 22 through 29 and
27 inserting the following:

28 "Sec. . NEW SECTION. 483A.24B SPECIAL DEER
29 HUNTS.

30 1. The commission may establish a special season
31 deer hunt for antlerless deer in those counties where
32 paid antlerless only deer hunting licenses remain
33 available for issuance.

34 2. Antlerless deer may be taken by shotgun,
35 muzzleloading rifle, muzzleloading pistol, handgun, or
36 bow during the special season as provided by the
37 commission by rule.

38 3. Prior to December 15, a resident may obtain up
39 to three paid antlerless only deer hunting licenses
40 for the special season regardless of how many paid or
41 free gun or bow deer hunting licenses the person may
42 have already obtained. Beginning December 15, a
43 resident or nonresident may purchase an unlimited
44 number of antlerless only deer hunting licenses for
45 the special season. Notwithstanding section 483A.1,
46 the fee for an antlerless only deer hunting license
47 issued pursuant to this section shall be ten dollars
48 for residents.

49 4. All antlerless deer hunting licenses issued
50 pursuant to this section shall be included in the

Page 2

1 quotas established by the commission by rule for each
2 county and shall be available in each county only
3 until the quota established by the commission for that
4 county is filled.

5 5. The daily bag and possession limit during the

- 6 special season is one deer per license. The tagging
 7 requirements are the same as for the regular gun
 8 season.
 9 6. A person who receives a license pursuant to
 10 this section shall be otherwise qualified to hunt deer
 11 in this state and shall have a hunting license and pay
 12 the wildlife habitat fee.
 13 7. A person violating a provision of this section
 14 or a rule adopted pursuant to this section is guilty
 15 of a simple misdemeanor punishable as a scheduled
 16 violation as provided in section 483A.42."
 17 4. By renumbering as necessary.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment H-1336 to amendment H-1282, filed by him from the floor.

On motion by Rayhons of Hancock, amendment H-1282 was adopted.

Baudler of Adair offered the following amendment H-1331 filed by him and moved its adoption:

H-1331

- 1 Amend Senate File 206, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 15 through 19.

A non-record roll call was requested.

The ayes were 51, nays 17.

Amendment H-1331 was adopted.

Rayhons of Hancock offered the following amendment H-1318 filed by him and moved its adoption:

H-1318

- 1 Amend Senate File 206, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, lines 18 and 19, by striking the words
 4 "deer herd population management, including".
 5 2. Page 2, line 27, by striking the words "deer
 6 herd population management, including".
 7 3. Page 3, line 32, by striking the words

8 "purpose of deer herd population management" and
9 inserting the following: "help us stop hunger
10 program".

Amendment H-1318 was adopted.

Rayhons of Hancock offered the following amendment H-1275 filed by him and moved its adoption:

H-1275

1 Amend Senate File 206, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 4, line 23, by striking the word "ten"
4 and inserting the following: "two".
5 2. Page 4, by striking lines 29 through 31.

Amendment H-1275 was adopted.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment H-1283 filed by him on March 31, 2005.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment H-1189 filed by him on March 28, 2005.

Rayhons of Hancock offered the following amendment H-1255 filed by Rayhons, et al., and moved its adoption:

H-1255

1 Amend Senate File 206, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, by inserting after line 21, the
4 following:
5 "Sec. ____ Section 483A.24, subsection 2, Code
6 2005, is amended by adding the following new
7 paragraph:
8 NEW PARAGRAPH. f. A deer hunting license or wild
9 turkey hunting license issued pursuant to this
10 subsection shall be attested by the signature of the
11 person to whom the license is issued and shall contain
12 a statement in substantially the following form:
13 By signing this license I certify that I qualify as
14 an owner or tenant under Iowa Code section 483A.24.
15 A person who makes a false attestation as described
16 in this paragraph is guilty of a simple misdemeanor.
17 In addition, the person's hunting license shall be
18 revoked and the person shall not be issued a hunting

19 license for a period of one year."

20 2. By renumbering as necessary.

Amendment H-1255 was adopted.

Roberts of Carroll in the chair at 6:20 p.m.

Rayhons 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. 206)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Roberts, Presiding

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 304, 750 and 822 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House Files 304, 750 and 822 from further consideration by the House.

SENATE MESSAGES CONSIDERED

Senate File 382, by committee on judiciary, a bill for an act limiting the preference to purchase an unused right-of-way.

Read first time and referred to committee on **transportation**.

Senate File 394, by committee on ways and means, a bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard, concerning military pay differential, and providing an effective date and a retroactive applicability date.

Read first time and referred to committee on **state government**.

Speaker Rants in the chair at 6:36 p.m.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 206** be immediately messaged to the Senate.

Regular Calendar

House File 720, a bill for an act creating a women entrepreneurs and young professionals in business program, was taken up for consideration.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 720)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyeke
Winckler	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 1:

Wise

Absent or not voting, none.

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 720** be immediately messaged to the Senate.

HOUSE FILE 122 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House File 122 from further consideration by the House.

HOUSE FILE 759 REREFERRED

The Speaker announced that House File 759, previously placed on the **calendar** was rereferred to committee on **ways and means**.

HOUSE FILE 785 REREFERRED

The Speaker announced that House File 785, previously placed on the **calendar** was rereferred to committee on **ways and means**.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 6, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 227, 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.

House File 591, an Act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, and providing an effective date.

House File 642, an Act relating to the regulation of agricultural seed, by providing for preemption of local legislation.

Senate File 205, an Act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

Senate File 264, an Act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

Senate File 270, an Act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

The junior class from Underwood High School, Underwood, Iowa. By Wilderdyke of Harrison.

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

- 2005\1102 Donald and Pauline Rader, Sumner – For celebrating their 50th wedding anniversary.
- 2005\1103 Jed and Joyce Becker, Cresco – For receiving the April Iowa Good Neighbor Award.
- 2005\1104 Barbara Heuberger, Sheffield – For celebrating her 80th birthday.
- 2005\1105 Otto Dannen, Latimer – For celebrating his 90th birthday
- 2005\1106 Samantha Williams, Crawfordsville – For being chosen to attend the annual session of the Iowa American Legion Auxiliary Girls State.
- 2005\1107 Mamie Olson, Mt. Pleasant – For celebrating her 105th birthday.
- 2005\1108 Elmer and Ruth Huff, Farmington – For celebrating their 60th wedding anniversary.
- 2005\1109 Georgia Yeggy, West Liberty – For celebrating her 85th birthday.
- 2005\1110 Jack and JoAnn Ayers, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1111 Robert and Joyce McClain, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1112 Don and Dorothy Augustin, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1113 Robert and Wilma Wiegman, Dubuque – For celebrating their 50th wedding anniversary.

- 2005\1114 Sylvester and Wilma Ploessl, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1115 Shawn Swenson, Dubuque – For receiving 2nd place in the Telegraph Herald Scripps Spelling Bee contest.
- 2005\1116 Steve Eastvedt, Dubuque – For receiving the Law Enforcement Award for the Red Cross Hero of the Tri-States.
- 2005\1117 Paul Gorrell, Dubuque – For receiving the Volunteer Award for the Red Cross Hero of the Tri-State.
- 2005\1118 Dan Baker, Dubuque – For receiving the Good Samaritan Award for the Red Cross Hero of the Tri-State.
- 2005\1119 Edna Wemer, Sigourney – For celebrating her 90th birthday.
- 2005\1120 Nellie B. Meacham, Richland – For celebrating her 96th birthday.
- 2005\1121 Charles and Neoma Wonderlich, Ollie – For celebrating their 60th wedding anniversary.
- 2005\1122 Mr. and Mrs. Bert Ross, Deep River – For celebrating their 50th wedding anniversary.
- 2005\1123 Lorraine Carlson, Mason City – For celebrating her 80th birthday.
- 2005\1124 Lucille Killpack, Mason City – For celebrating her 80th birthday.
- 2005\1125 Martin Boomgarden, Mason City – For celebrating his 90th birthday.
- 2005\1126 Wilma Lukes, Mason City – For celebrating her 80th birthday.
- 2005\1127 Leland Stephenson, Mason City – For celebrating his 80th birthday.
- 2005\1128 Harold Lane, Mason City – For celebrating his 80th birthday.
- 2005\1129 Mildred Cole, Mason City – For celebrating her 90th birthday.
- 2005\1130 Roger Squier, Mason City – For celebrating his 90th birthday.
- 2005\1131 Gladys Serdahl, Mason City – For celebrating her 95th birthday.
- 2005\1132 Michael and Virginia Servantez, Mason City – For celebrating their 50th wedding anniversary.
- 2005\1133 Millie Evans, Mason City – For celebrating her 80th birthday.
- 2005\1134 Frieda Udelhofen, Mason City – For celebrating her 90th birthday.
- 2005\1135 Venette Broderson, Waterloo – For celebrating her 90th birthday.

- 2005\1136 Norma Skinner, Mitchellville – For celebrating her 80th birthday.
2005\1137 Rose Knudtson, Spencer – For celebrating her 100th birthday.

SUBCOMMITTEE ASSIGNMENTS

House File 759

Ways and Means: Drake, Chair; Huser and Kaufmann.

House File 833

Judiciary: Anderson, Chair; R. Olson and Paulsen.

House File 841

Human Resources: Carroll, Chair; Foege, Heaton, Smith and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 293 Ways and Means

Relating to taxation by making changes relating to property tax, income tax, city and county budgets, and providing effective dates and for the Act's applicability.

H.S.B. 294 Ways and Means

Relating to the imposition of a tax on municipal utility property for the school foundation aid purposes, including criminal and civil penalties, and including effective and retroactive applicability date provisions.

H.S.B. 295 Ways and Means

Providing for a tax on earned income of an individual in lieu of the regular income tax, alternative income tax, and the tax on lump sum distributions, and including effective and retroactive applicability date provisions.

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 ADMINISTRATION AND RULES

Senate Joint Resolution 6, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2005.

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Fiscal Note is not required.

Recommended **Do Pass** April 6, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 56), relating to the exemption of sales and use taxes on the purchase of precious metals and rare coins by dealers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2005.

Committee Bill (Formerly House File 288), relating to the state school foundation program by increasing the regular program foundation base, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2005.

Committee Bill (Formerly House File 794), relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2005.

Committee Bill (Formerly House Study Bill 182), relating to the financing by cities of telecommunications projects and facilities, including requirements regarding feasibility studies and reports, requiring sealed bids and city voter approval, prohibiting financing for an amount above projected costs, and increasing the minimum voter approval rate for such projects, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2005.

Committee Bill (Formerly House Study Bill 205), providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 5, 2005.

Committee Bill (Formerly House Study Bill 289), relating to property taxation by requiring funding of essential services by cities and counties, modifying property assessment guidelines, creating a property assessment appeal board to hear appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2005.

AMENDMENT FILED

H—1334	H.F.	118	Granzow of Harden
H—1339	H.F.	623	Drake of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 6:44 p.m., until 8:45 a.m., Thursday, April 7, 2005.

JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 7, 2005

The House met pursuant to adjournment at 8:58 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Don Ringnald, pastor of Leighton Reformed Church, Leighton. He was the guest of Representative Jim Van Engelenhoven from Marion County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 6, 2005 was approved.

HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Gipp of Winneshiek asked and received unanimous consent that the following House Files and Joint Resolution be placed on the Unfinished Business Calendar.

House Joint Resolution 3	House File 461
House File 505	House File 531
House File 537	House File 539
House File 586	House File 606
House File 611	House File 622
House File 672	House File 686
House File 687	House File 706
House File 744	House File 801
House File 805	House File 819
House File 820	House File 828
House File 829	House File 831
House File 832	House File 834
House File 835	House File 836
House File 837	House File 838
House File 839	House File 840

SPECIAL PRESENTATION
Pella Tulip Festival

Van Engelenhoven of Marion presented to the House, Marie Bruns, Queen of the 2005 Pella Tulip Festival and escorted her and her court to the Speaker's station.

Queen Bruns presented her attendants, Sara Steenhoek, Jill Van Vark, Jennifer Van Ee, and Ashley Van Soelen.

Also present from Pella were the parents of the Queen and her court, who wore native Dutch costumes and distributed the famous Pella Dutch cookies.

Queen Bruns and her court sang "Be Our Guest" and she addressed the House briefly and invited everyone to attend the Pella Tulip Festival on May 5th, 6th and 7th.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:16 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:03 p.m., Tymeson of Madison in the chair.

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 390, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 845, by Gipp and Murphy, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

Read first time and referred to committee on **administration and rules**.

House File 846, by committee on government oversight, a bill for an act relating to employment and improper influence ethics issues for executive branch officials and employees, and making penalties applicable.

Read first time and **placed on the calendar**.

House File 847, by committee on ways and means, a bill for an act relating to property taxation by requiring funding of essential services by cities and counties, modifying property assessment guidelines and notification requirements, creating a property assessment appeal board to hear appeals of the actions of local boards of review; tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 848, by committee on ways and means, a bill for an act relating to education funding by increasing the regular program foundation base, establishing a community college local workforce and economic development fund and levy, and providing effective and applicability dates.

Read first time and placed on the **ways and means calendar**.

House File 849, by committee on government oversight, a bill for an act to privatize the pool of passenger motor vehicles maintained and operated by the department of administrative services.

Read first time and placed on the **calendar**.

SENATE MESSAGE CONSIDERED

Senate File 390, by committee on ways and means, a bill for an act relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Read first time and referred to committee on **ways and means**.

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

- 2005\1138 Edna Oldridge, Jesup – For celebrating her 90th birthday.
- 2005\1139 Carroll and Marion Conklin, Independence – For celebrating their 55th wedding anniversary.
- 2005\1140 Helen Hester, Denison – For celebrating her 90th birthday.
- 2005\1141 Anna Keating, Denison – For celebrating her 90th birthday.
- 2005\1142 Patrick and Lois Houston – For celebrating their 60th wedding anniversary.
- 2005\1143 Sioux Rapids – For celebrating its sesquicentennial.
- 2005\1144 Sac City – For celebrating its sesquicentennial.

SUBCOMMITTEE ASSIGNMENTS

House File 410

Ways and Means: Kurtenbach, Chair; Huser and Soderberg.

Senate File 220

Education: Kaufmann, Chair; Soderberg and Wendt.

Senate File 341

Human Resources: Upmeyer, Chair; Foege and Heaton.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 293

Ways and Means: Kurtenbach, Chair; Shoultz and Struyk.

House Study Bill 294

Ways and Means: Struyk, Chair; Kurtenbach and Shomshor.

House Study Bill 295

Ways and Means: Kurtenbach, Chair; Boal, Huser, Schueller and J.K. Van Fossen.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 296 Ways and Means

Providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions.

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 AGRICULTURE

Senate File 200, a bill for an act relating to the administration of the department of agriculture and land stewardship, by providing for its powers and duties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment with H-1344** April 7, 2005.

COMMITTEE ON APPROPRIATIONS

Senate File 346, 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 6, 2005.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Senate File 363, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

COMMITTEE ON EDUCATION

Senate File 220, a bill for an act relating to the authorized uses of physical plant and equipment levy revenue, and including an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1345** April 7, 2005.

Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, and requiring school districts and schools to report core curriculum completion percentages annually.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1342** April 7, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Senate File 375, a bill for an act creating the uniform environmental covenants Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1340** April 7, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

House File 486, a bill for an act providing for the reporting of gifts, bequests, and grants received by state departments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2005.

House File 688, a bill for an act to privatize the pool of passenger motor vehicles maintained and operated by the department of administrative services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 6, 2005.

COMMITTEE ON HUMAN RESOURCES

Senate File 341, a bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

Senate File 343, a bill for an act relating to governmental services involving audit reports and the family investment program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1343** April 7, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Senate File 78, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary annexation petition and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

COMMITTEE ON TRANSPORTATION

Senate File 339, a bill for an act relating to regional transit districts.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

Senate File 340, a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

RESOLUTION FILED

HR 36, by Schickel, Mertz, Swaim, Lukan, Kressig, Reichert, Smith, J.R. Van Fossen, Freeman, J.K. Van Fossen, Jacoby, Zirkelbach, Gaskill, Roberts, Quirk, May, Wessel-Kroeschell, Baudler, Jacobs, Miller and Hutter, a resolution posthumously honoring His Holiness Pope John Paul II and commemorating his life's work.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1340	S.F.	375	Committee on Environmental Protection
H—1341	H.F.	819	Petersen of Polk
H—1342	S.F.	245	Committee on Education
H—1343	S.F.	343	Committee on Human Resources
H—1344	S.F.	200	Committee on Agriculture
H—1345	S.F.	220	Committee on Education
H—1346	S.F.	350	Petersen of Polk Upmeyer of Hancock Lukan of Dubuque Wise of Lee
H—1347	S.F.	350	Shoultz of Black Hawk
H—1348	H.F.	611	Struyk of Pottawattamie

On motion by Gipp of Winneshiek the House adjourned at 4:05 p.m., until 1:00 p.m., Monday, April 11, 2005.

JOURNAL OF THE HOUSE

Ninety-second Calendar Day - Sixty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 11, 2005

The House met pursuant to adjournment at 1:06 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jerry Blake, pastor of St. James Catholic Church, Forest City. He was the guest of Representative Henry Rayhons from Hancock County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, April 7, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Webster for the week of April 11 through April 15, 2005, on request of Heddens of Story.

INTRODUCTION OF BILL

House File 850, by committee on ways and means, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **appropriations**.

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 11th day of April, 2005: House Files 186, 187, 332 and 373.

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:

Two junior students from Emmetsburg High School, Emmetsburg, Iowa, accompanied by Maureen Horsley. By Frevert of Palo Alto.

COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

IOWA WORKFORCE DEVELOPMENT

2004 Annual Report, pursuant to Chapter 7E.3(4), 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

- | | |
|-----------|--|
| 2005\1145 | Blanche Holcomb, Adel – For celebrating her 100 th birthday. |
| 2005\1146 | Virginia and Raymond Carstensen, Charlotte – For celebrating their 50 th wedding anniversary. |
| 2005\1147 | Gladys Ibsen, DeWitt – For celebrating her 95 th birthday. |
| 2005\1148 | Arlene Johnson, Sioux City – For celebrating her 80 th birthday. |
| 2005\1149 | Leonard and Juanita Cassens, Sioux City – For celebrating their 50 th wedding anniversary. |

- 2005\1150 Bill and Rita Trentz, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1151 Larry Williams, Sioux City – For being named a Lowell Mason Fellow by the National Association For Music Education.
- 2005\1152 Doug Conrad, Sioux City – For receiving the Five Star Builder and Top Builder awards.
- 2005\1153 Ken Stueve, Sioux City – For his 35 years of dedicated service as a teacher in the Sioux City Public School System.
- 2005\1154 Johanna Van Klompenburg, Orange City – For celebrating her 95th birthday.
- 2005\1155 Bill Hibma, Orange City – For celebrating his 90th birthday.
- 2005\1156 Rodney and Bonnie Peterson, Chariton – For celebrating their 50th wedding anniversary.
- 2005\1157 Roy and Marilyn Crawford, Chariton – For celebrating their 50th wedding anniversary.
- 2005\1158 R. Edward and Verdadean Allen, Bussey – For celebrating their 50th wedding anniversary.
- 2005\1159 Bernice Curtis, Liberty Center – For celebrating her 80th birthday.
- 2005\1160 Harold and Delma Stuetelberg, Atlantic – For celebrating their 60th wedding anniversary.
- 2005\1161 Leo and LaVonne Bargaquast, Avoca – For celebrating their 60th wedding anniversary.
- 2005\1162 Verle and Irene Greer, Harlan – For celebrating their 60th wedding anniversary.
- 2005\1163 Marvin and Mary Hall, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2005\1164 Anthony and Rose Gacke, Rock Valley – For celebrating their 60th wedding anniversary.
- 2005\1165 Dale and Virginia Purcell, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\1166 Gifford and Ruth Covault, Guthrie Center – For celebrating their 60th wedding anniversary.
- 2005\1167 Paul and Ilah Thomas, Milton, – For celebrating their 70th wedding anniversary.

- 2005\1168 Kenneth and Kathleen Rigdon, Dunkerton – For celebrating their 50th wedding anniversary.
- 2005\1169 Duane and Laraine Meyer, Fairbank – For celebrating their 50th wedding anniversary.
- 2005\1170 Mike Schmitz, Gilbertville – For celebrating his 80th birthday.
- 2005\1171 Sally Schmit, Gilbertville – For celebrating her 90th birthday.
- 2005\1172 Charlotte Elliott, La Porte City – For celebrating her 90th birthday.
- 2005\1173 Mr. And Mrs. Leon Hubble, Bettendorf – For celebrating their 60th wedding anniversary.
- 2005\1174 Glen and Ruth Rohner, Fontanelle – For celebrating their 60th wedding anniversary.
- 2005\1175 Willie and Mavis Watts, University Park – For celebrating their 50th wedding anniversary.
- 2005\1176 Esther Mae Cox, Iowa Falls – For celebrating her 85th birthday.
- 2005\1177 Jim and LaDonna Lewer, Iowa Falls – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENT

House File 833 Reassigned

Judiciary: Anderson, Chair; Heaton and R. Olson.

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 ECONOMIC GROWTH

Senate File 365, a bill for an act relating to the application deadline for certification of enterprise zones.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1350** April 7, 2005.

COMMITTEE ON PUBLIC SAFETY

Senate File 321, a bill for an act relating to the use of moneys deposited into the inmate labor fund.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

Senate File 383, a bill for an act relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1349** April 7, 2005.

AMENDMENTS FILED

H-1349	S.F.	383	Committee on Public Safety
H-1350	S.F.	365	Committee on Economic Growth
H-1351	S.F.	220	Masher of Johnson

On motion by Gipp of Winneshiek the House adjourned at 1:10 p.m., until 8:45 a.m., Tuesday, April 12, 2005.

JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 12, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Douglas Loecke, pastor of St. Francis Xavier Basilica, Dyersville. He was the guest of Representative Steve Lukan from Dubuque County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 11, 2005 was approved.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

I am directed to inform your honorable body that the Senate has on April 4, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 466, a bill for an act 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 general fund.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 131, a bill for an act relating to the required education and training for dental assistants.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 252, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 291, a bill for an act relating to accounts and fees under the water quality protection fund.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 370, a bill for an act allowing the Iowa finance authority to issue qualified residential rental project bonds under the private activity bond allocation Act.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 399, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 440, a bill for an act relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 476, a bill for an act regulating the sale of ammonium nitrate by fertilizer dealers, and providing penalties.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 478, a bill for an act relating to the Iowa commission on volunteer service.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 580, a bill for an act relating to the administration of the Iowa egg council, including by providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 581, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 602, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

Also: That the Senate has on April 11, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 700, a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

Senate File 360, by committee on commerce, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

Read first time and **passed on file**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk and Petersen of Polk, until their arrival, on request of Dandekar of Linn.

ADOPTION OF SENATE CONCURRENT RESOLUTION 5

Granzow of Hardin called up for consideration **Senate Concurrent Resolution 5**, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act. Thomas of Clayton moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 622, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures, was taken up for consideration.

SENATE FILE 283 SUBSTITUTED FOR HOUSE FILE 622

Tjepkes of Webster asked and received unanimous consent to substitute Senate File 283 for House File 622.

Senate File 283, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures, was taken up for consideration.

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. 283)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.

Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Miller Petersen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 672, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions, was taken up for consideration.

SENATE FILE 265 SUBSTITUTED FOR HOUSE FILE 672

Tjepkes of Webster asked and received unanimous consent to substitute Senate File 265 for House File 672.

Senate File 265, a bill for an act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions, was taken up for consideration.

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. 265)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 622 and 672 WITHDRAWN

Tjepkes of Webster asked and received unanimous consent to withdraw House Files 622 and 672 from further consideration by the House.

House File 611, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses, was taken up for consideration.

Struyk of Pottawattamie offered the following amendment H-1348 filed by him and moved its adoption:

H-1348

- 1 Amend House File 611 as follows:
- 2 1. Page 1, line 6, by striking the word
- 3 "applicant" and inserting the following: "commission".

Amendment H-1348 was adopted.

SENATE FILE 320 SUBSTITUTED FOR HOUSE FILE 611

Struyk of Pottawattamie asked and received unanimous consent to substitute Senate File 320 for House File 611.

Senate File 320, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses, was taken up for consideration.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 320)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 407 and 611 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House Files 407 and 611 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: **Senate Files 265, 283, 320** and **Senate Concurrent Resolution 5**.

The House stood at ease at 9:20 a.m., until the fall of the gavel.

The House resumed session at 11:20 a.m., Roberts of Carroll in the chair.

Unfinished Business Calendar

House File 840, a bill for an act authorizing the rebate of state sales tax to the owner or operator of a sanctioned automobile racetrack facility, was taken up for consideration.

SPECIAL PRESENTATIONS

Shoultz of Black Hawk introduced to the House the Honorable Bill Witt, former state representative from Black Hawk County.

The House rose and expressed its welcome.

Wessel-Kroeschell of Story introduced to the House the Honorable Jane Greimann, former state representative from Story County.

The House rose and expressed its welcome.

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. 840)

The ayes were, 81:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
McCarthy	Mertz	Murphy	Oldson
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Reasoner	Reichert	Sands
Schickel	Shomshor	Smith	Soderberg
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Wendt	Whitaker
Whitead	Wildurdyke	Wise	Zirkelbach
Roberts, Presiding			

The nays were, 18:

Baudler	Fallon	Heddens	Hogg
Hunter	Jochum	Kuhn	Lensing
Mascher	Olson, D.	Rayhons	Schueller
Shoultz	Taylor, D.	Van Engelenhoven	Watts
Wessel-Kroeschell	Winckler		

Absent or not voting, 1:

Miller

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 840** be immediately messaged to the Senate.

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 12, 2005. Had I been present, I would have voted "aye" on Senate File 283.

PETERSEN of Polk

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 12th day of April, 2005: House File 466.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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

- 2005\1178 Red and Marion Sinning, Ackley – For celebrating their 50th wedding anniversary.
- 2005\1179 Alberta Crandall, Hampton – For celebrating her 80th birthday.
- 2005\1180 Gladys Wilkie, Kanawha – For celebrating her 100th birthday.
- 2005\1181 Elsie McHugh, Sheffield – For celebrating her 95th birthday.
- 2005\1182 Reverend and Mrs. Kenneth Ebb, Mt. Pleasant – For celebrating their 50th wedding anniversary.
- 2005\1183 Mr. and Mrs. Long, Salem – For celebrating their 60th wedding anniversary.

- 2005\1184 Michelle Smith, Mt. Pleasant – For winning 1st place in the Amvets National Americanism state essay contest and receiving 3rd place at the national level.
- 2005\1185 Vera Ruiter, Mason City – For celebrating her 80th birthday.
- 2005\1186 Clayton and Gertrude Knoll, Mason City – For celebrating their 72nd wedding anniversary.
- 2005\1187 Donald and Glennis Lee, Mason City – For celebrating their 50th wedding anniversary.
- 2005\1188 Flora Jones, Mason City – For celebrating her 88th birthday.
- 2005\1189 Keith and Barbara Paulsen, Stanwood – For celebrating their 50th wedding anniversary.
- 2005\1190 Merle and Mildred Glenney, Muscatine – For celebrating their 65th wedding anniversary.
- 2005\1191 Norm Kuepker, Sumner – For celebrating his 95th birthday.
- 2005\1192 Virginia Muether, Sumner – For celebrating her 90th birthday.
- 2005\1193 Bob Moeller, Tripoli – For celebrating his 80th birthday.
- 2005\1194 Marg Meyer, Sumner – For celebrating her 82nd birthday.
- 2005\1195 Tommy Meyer, Sumner – For celebrating his 90th birthday.
- 2005\1196 Tommy and Marg Meyer, Sumner – For celebrating their 59th wedding anniversary.
- 2005\1197 Richard and Marlys Reynolds, Sumner – For celebrating their 50th wedding anniversary.
- 2005\1198 Harold and Barbara Diemer, Hawkeye – For celebrating their 50th wedding anniversary.
- 2005\1199 Davey and Faye VanDeBerg, Hawkeye – For celebrating their 60th wedding anniversary.
- 2005\1200 Eugene and Shirley Huck, Sumner – For celebrating their 50th wedding anniversary.
- 2005\1201 Mt. Pleasant Cheerleading Squad, Mt. Pleasant High School – For receiving 2nd place in the CANAM International Cheer Competition.
- 2005\1202 John and Lucille Jacobson, McCallsburg – For celebrating their 50th wedding anniversary.

- 2005\1203 Gerald and Geraldine Schaffer, Vinton – For celebrating their 65th wedding anniversary.
- 2005\1204 Ronald and Janis Ferguson, Vinton – For celebrating their 50th wedding anniversary.
- 2005\1205 Lena Wackerbarth, Sibley – For celebrating her 95th birthday.
- 2005\1206 Mr. and Mrs. Joseph Rothmeyer, Monona – For celebrating their 50th wedding anniversary.
- 2005\1207 Arlene Posusta, Traer – For celebrating her 80th birthday.
- 2005\1208 Fern Dowd, Toledo – For celebrating her 80th birthday.
- 2005\1209 Merlin and Gerene Lassen, Dysart – For celebrating their 50th wedding anniversary.
- 2005\1210 Clara Ahrenstoeff, Lake Park – For celebrating her 99th birthday.
- 2005\1211 Arnold “Shortie” and Maggie Luitjens, Ashton – for celebrating their 60th wedding anniversary.
- 2005\1212 Alice Paulsen, Cushing – For celebrating her 80th birthday.
- 2005\1213 Ed and Donna Liska, Ute – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House File 785

Ways and Means: Upmeyer, Chair; Kurtenbach and Winckler.

House File 815

Ways and Means: Kurtenbach, Chair; Huser and Struyk.

House File 845

Administration and Rules: Jacobs, Chair; Boal, Bukta, Carroll, Dolecheck, Gipp, Heddens, Miller, Murphy, S. Olson, Rants, Reasoner, Roberts and Whitaker.

Senate File 390

Ways and Means: Soderberg, Chair; Paulsen and Shomshor.

Senate File 395

Way and Means: Drake, Chair; Kaufmann and Reasoner.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 297 Appropriations

Relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including an effective date provision.

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 File 639), establishing a statewide work-based learning intermediary network grant program and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

COMMITTEE ON JUDICIARY

Senate File 323, a bill for an act establishing a uniform mediation Act.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

Senate File 370, a bill for an act relating to the duration of a no-contact order in a criminal case.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 320), providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 11, 2005.

Committee Bill (Formerly House File 455), relating to fees imposed for certified copies of death certificates.

Fiscal Note is not required.

Recommended **Do Pass** April 11, 2005.

Committee Bill (Formerly House File 749), relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 11, 2005.

Committee Bill (Formerly House File 795), relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 11, 2005.

RESOLUTIONS FILED

HR 37, by Kaufmann, Quirk, Alons, Anderson, Arnold, Baudler, Bell, Berry, Boal, Bukta, Carroll, Chambers, Cohoon, Dandekar, Davitt, De Boef, Dix, Dolecheck, Drake, Eichhorn, Elgin, Fallon, Foege, Freeman, Frevert, Gaskill, Gipp, Granzow, Greiner, Heaton, Heddens, Hoffman, Hogg, Horbach, Hunter, Huseman, Hutter, Jacobs, Jacoby, Jenkins, Jochum, Jones, Kressig, Kuhn, Kurtenbach, Lalk, Lensing, Lukan, Lykam, Maddox, Mascher, May, McCarthy, Mertz, Murphy, Oldson, D. Olson, R. Olson, S. Olson, Paulsen, Petersen, Pettengill, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Shoultz, Smith, Soderberg, Struyk, T. Taylor, Thomas, Tjepkes, Tomenga,

Tymeson, Upmeyer, Van Engelenhoven, J.K. Van Fossen, J.R. Van Fossen, Watts, Wendt, Wessel-Kroeschell, Whitaker, Whitead, Wilderdyke, Winckler, Wise and Zirkelbach, a resolution honoring America's Vietnam veterans.

Laid over under **Rule 25**.

HR 38, by Eichhorn, Kurtenbach and Granzow, a resolution to honor Ed Lorenzen for his acts of bravery and service to his fellow Iowans.

Laid over under **Rule 25**.

HR 39, by Kuhn, a resolution honoring the city of Riceville on its sesquicentennial.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1352	H.F.	838	Horbach of Tama
H—1353	S.F.	325	Horbach of Tama
H—1354	H.F.	847	Wessel-Kroeschell of Story Heddens of Story
H—1355	H.F.	847	Wessel-Kroeschell of Story Heddens of Story
H—1356	H.F.	835	Wise of Lee
H—1357	S.F.	340	Huser of Polk

On motion by Jacobs of Polk the House adjourned at 12:20 p.m., until 8:45 a.m., Wednesday, April 13, 2005.

JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 13, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Roger Kurtenbach, pastor of Epworth United Methodist Church, Fort Dodge.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 12, 2005 was approved.

INTRODUCTION OF BILLS

House File 851, by committee on ways and means, a bill for an act relating to fees imposed for certified copies of death certificates.

Read first time and placed on the **ways and means calendar**.

House File 852, by committee on ways and means, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty.

Read first time and placed on the **ways and means calendar**.

House File 853, by committee on ways and means, a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision.

Read first time and placed on the **ways and means calendar**.

House File 854, by committee on ways and means, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

Read first time and placed on the **ways and means 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 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 276, a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 375, a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 438, a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 469, a bill for an act increasing the membership of the real estate commission.

Also: That the Senate has on April 12, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 683, a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

Also: That the Senate has on April 12, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 716, a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 717, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 726, a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 764, a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

MICHAEL E. MARSHALL, Secretary

HOUSE FILES REREFERRED TO COMMITTEES

Pursuant to Rule 45, the following House Files and House Concurrent Resolution were referred to the committees listed:

House Joint Resolution 5	State Government
House Concurrent Resolution 10	Judiciary
House File 59	State Government
House File 118	Education
House File 174	Human Resources
House File 196	State Government

House File 282	Natural Resources
House File 321	State Government
House File 372	State Government
House File 454	Education
House File 467	Natural Resources
House File 477	Human Resources
House File 498	Judiciary
House File 526	Education
House File 551	State Government
House File 590	Natural Resources
House File 618	Human Resources
House File 621	Public Safety
House File 623	Agriculture
House File 643	Environmental Protection
House File 648	State Government
House File 669	Environmental Protection
House File 681	Judiciary
House File 684	Public Safety
House File 701	Agriculture
House File 705	Commerce, Regulation and Labor
House File 707	Commerce, Regulation and Labor
House File 713	Public Safety
House File 719	Commerce, Regulation and Labor
House File 723	Human Resources
House File 727	State Government
House File 728	State Government
House File 732	Education
House File 747	State Government
House File 752	Human Resources
House File 762	Agriculture
House File 765	Commerce, Regulation and Labor
House File 775	State Government
House File 778	Public Safety
House File 800	Economic Growth

CONSIDERATION OF BILLS

Unfinished Business Calendar

House File 537, a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by

federal deposit insurance in certificates of deposit, was taken up for consideration.

Kurtenbach of Story offered amendment H-1095 filed by Kurtenbach, et al., as follows:

H-1095

- 1 Amend House File 537 as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 12B.6 CERTAIN PUBLIC
- 5 FUNDS OF POLITICAL SUBDIVISIONS.
- 6 All funds held by an association of elected county
- 7 officers which were received from a political
- 8 subdivision from the collection of taxes, fees, or
- 9 permits, which are being held by the association to
- 10 effectuate the purpose of the collection of the funds,
- 11 shall be deposited in a separate fund in the office of
- 12 the treasurer of state and are subject to audit by the
- 13 auditor of state at the request of the legislative
- 14 government oversight committee or the legislative
- 15 council."
- 16 2. Page 3, by inserting after line 24 the
- 17 following:
- 18 "Sec.____. EFFECTIVE DATE. The section of this
- 19 Act enacting section 12B.6, relating to funds received
- 20 by an association of county officers, being deemed of
- 21 immediate importance, takes effect upon enactment."
- 22 3. Title page, line 4, by inserting after the
- 23 word "deposit" the following: ", and providing an
- 24 effective date".
- 25 4. By renumbering as necessary.

Kurtenbach of Story offered the following amendment H-1186, to amendment H-1095, filed by him and moved its adoption:

H-1186

- 1 Amend the amendment, H-1095, to House File 537 as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 15, and
- 4 inserting the following:
- 5 "All funds received, expended, or held by an
- 6 association of elected county officers before, on, or
- 7 after the effective date of this Act, to implement a
- 8 state-authorized program, are subject to audit by the
- 9 auditor of state at the request of the legislative
- 10 government oversight committee or the legislative
- 11 council. All such funds received or held on and after

12 July 1, 2005, shall be deposited in a fund in the
 13 office of the treasurer of state."

Amendment H-1186 was adopted.

Schickel of Cerro Gordo rose on a point of order that amendment H-1095, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-1095, as amended, not germane.

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. 537)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carrroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 832, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 9:12 a.m.

Shomshor of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 832)

The ayes were, 88:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Wise	Carroll, Presiding

The nays were, 11:

Fallon	Hunter	Jochum	Kuhn
Mascher	Olson, R.	Shoultz	Taylor, D.
Taylor, T.	Winckler	Zirkelbach	

Absent or not voting, 1:

Miller

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 537 and 832.**

HOUSE FILE 692 WITHDRAWN

Shomshor of Pottawattamie asked and received unanimous consent to withdraw House File 692 from further consideration by the House.

House File 839, a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation, was taken up for consideration.

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?" (H.F. 839)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 835, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes, was taken up for consideration.

Wise of Lee offered the following amendment H-1356 filed by him and moved its adoption:

H-1356

- 1 Amend House File 835 as follows:
- 2 1. Page 8, line 1, by striking the word
- 3 "SPECIAL".
- 4 2. Page 8, line 10, by striking the word
- 5 "special".
- 6 3. Page 8, line 17, by striking the words

- 7 "Special peace" and inserting the following: "Peace".
 8 4. Page 8, by striking lines 18 and 19, and
 9 inserting the following: "shall meet all requirements
 10 as police officers appointed under the civil".
 11 5. Page 8, line 22, by striking the words
 12 "Special peace" and inserting the following: "Peace".
 13 6. Page 8, line 30, by striking the words
 14 "Special peace" and inserting the following: "Peace".
 15 7. Page 10, line 22, by striking the word
 16 "except" and inserting the following: "including the
 17 exercise of police power but excluding".
 18 8. By striking page 11, line 35 through page 12,
 19 line 7, and inserting the following:
 20 "17. Enter into an agreement with a political
 21 subdivision comprising the port authority for the
 22 political subdivision to exercise its right of eminent
 23 domain pursuant to chapters 6A and 6B on behalf of the
 24 port authority. However, a condemnation exercised on
 25 behalf of a port authority pursuant to this subsection
 26 shall not take or".
 27 9. Page 21, by striking lines 26 through 31.

Amendment H-1356 was adopted.

Wise of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 835)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel

Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 792 WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw House File 792 from further consideration by the House.

HOUSE FILES 425 and 733 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House Files 425 and 733 from further consideration by the House.

House File 838, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices, and providing for fees, was taken up for consideration.

Horbach of Tama offered the following amendment H-1352 filed by him and moved its adoption:

H-1352

- 1 Amend House File 838 as follows:
- 2 1. By striking page 1, line 1, through page 3,
- 3 line 11, and inserting the following:
- 4 "Section 1. NEW SECTION. 602.8102A NOTICES
- 5 RETURNED FOR UNKNOWN ADDRESS – RESENDING.
- 6 Notwithstanding any other provision of the Code to
- 7 the contrary, and subject to rules prescribed by the
- 8 supreme court, if the clerk of the district court
- 9 sends a mailing or notice to a person or party and the
- 10 mailing or notice is returned by the postal service to

11 the clerk of the district court as undeliverable, the
12 clerk is not required to send a repeat or subsequent
13 mailing or notice unless the clerk receives an updated
14 mailing address.

15 Sec. 2. Section 901.4, Code 2005, is amended to
16 read as follows:

17 901.4 PRESENTENCE INVESTIGATION REPORT
18 CONFIDENTIAL – DISTRIBUTION.

19 The presentence investigation report is
20 confidential and the court shall provide safeguards to
21 ensure its confidentiality, including but not limited
22 to sealing the report, which may be opened only by
23 further court order. At least three days prior to the
24 date set for sentencing, the court shall ~~serve~~ send a
25 copy of all of the presentence investigation report
26 ~~upon~~ by ordinary or electronic mail, to the
27 defendant's attorney and the attorney for the state,
28 and the report shall remain confidential except upon
29 court order. However, the court may conceal the
30 identity of the person who provided confidential
31 information. The report of a medical examination or
32 psychological or psychiatric evaluation shall be made
33 available to the attorney for the state and to the
34 defendant upon request. The reports are part of the
35 record but shall be sealed and opened only on order of
36 the court. If the defendant is committed to the
37 custody of the Iowa department of corrections and is
38 not a class "A" felon, a copy of the presentence
39 investigation report shall be forwarded by ordinary or
40 electronic mail to the director with the order of
41 commitment by the clerk of the district court and to
42 the board of parole at the time of commitment.
43 Pursuant to section 904.602, the presentence
44 investigation report may also be released by ordinary
45 or electronic mail by the department of corrections or
46 a judicial district department of correctional
47 services to another jurisdiction for the purpose of
48 providing interstate probation and parole compact or
49 interstate compact for adult offender supervision
50 services or evaluations, or to a substance abuse or

Page 2

1 mental health services provider when referring a
2 defendant for services. The defendant or the
3 defendant's attorney may file with the presentence
4 investigation report, a denial or refutation of the
5 allegations, or both, contained in the report. The
6 denial or refutation shall be included in the report.
7 If the person is sentenced for an offense which
8 requires registration under chapter 692A, the court
9 shall release the report by ordinary or electronic

10 mail to the department.

11 Sec. 3. ADOPTION OF COURT RULE RELATED TO TRIBAL

12 COURTS. The general assembly acknowledges that

13 contact and interaction between the Iowa court system

14 and federally recognized tribal courts are ever

15 increasing and the general assembly urges the Iowa

16 supreme court to consider developing and prescribing

17 rules that recognize the tribal court system and

18 enforces tribal court orders, judgments, and decrees.

19 Sec. 4. EFFECTIVE DATE. The section of this Act

20 enacting section 602.8102A, being deemed of immediate

21 importance, takes effect upon enactment."

22 2. Title page, by striking lines 1 and 2 and

23 inserting the following: "An Act relating to the

24 procedures and duties of the judicial branch,

25 including sending notices and reports, and providing

26 an effective date."

Amendment H-1352 was adopted.

SENATE FILE 325 SUBSTITUTED FOR HOUSE FILE 838

Horbach of Tama asked and received unanimous consent to substitute Senate File 325 for House File 838.

Senate File 325, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices and reports, and providing an effective date, was taken up for consideration.

Horbach of Tama offered the following amendment H-1353 filed by him and moved its adoption:

H-1353

1 Amend Senate File 325, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2,

4 line 25, and inserting the following:

5 "Section 1. **NEW SECTION.** 602.8102A NOTICES

6 **RETURNED FOR UNKNOWN ADDRESS – RESENDING.**

7 Notwithstanding any other provision of the Code to

8 the contrary, and subject to rules prescribed by the

9 supreme court, if the clerk of the district court

10 sends a mailing or notice to a person or party and the

11 mailing or notice is returned by the postal service to

12 the clerk of the district court as undeliverable, the

13 clerk is not required to send a repeat or subsequent

14 mailing or notice unless the clerk receives an updated

15 mailing address.

16 Sec. 2. Section 602.8105, subsection 2, Code 2005,

17 is amended to read as follows:

18 2. The clerk of the district court shall collect
19 the following fees for miscellaneous services:

20 a. For filing, entering, and endorsing a
21 mechanic's lien, twenty dollars, and if a suit is
22 brought, the fee is taxable as other costs in the
23 action.

24 b. For filing and entering an agricultural supply
25 dealer's lien and any other statutory lien, twenty
26 dollars.

27 c. For a certificate and seal, ten dollars.

28 However, there shall be no charge for a certificate
29 and seal to an application to procure a pension,
30 bounty, or back pay for a member of the armed services
31 or other person.

32 d. For certifying a change in title of real
33 estate, twenty dollars.

34 e. For filing a praecipe to issue execution under
35 chapter 626, twenty-five dollars.

36 f. For filing a praecipe to issue execution under
37 chapter 654, fifty dollars.

38 g. For filing a confession of judgment under
39 chapter 676, fifty dollars if the judgment is five
40 thousand dollars or less, and one hundred dollars if
41 the judgment exceeds five thousand dollars.

42 e. h. Other fees provided by law.

43 Sec. 3. Section 901.4, Code 2005, is amended to
44 read as follows:

45 901.4 PRESENTENCE INVESTIGATION REPORT
46 CONFIDENTIAL – DISTRIBUTION.

47 The presentence investigation report is
48 confidential and the court shall provide safeguards to
49 ensure its confidentiality, including but not limited
50 to sealing the report, which may be opened only by

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1 further court order. At least three days prior to the
2 date set for sentencing, the court shall serve send a
3 copy of all of the presentence investigation report
4 upon by ordinary or electronic mail, to the
5 defendant's attorney and the attorney for the state,
6 and the report shall remain confidential except upon
7 court order. However, the court may conceal the
8 identity of the person who provided confidential
9 information. The report of a medical examination or
10 psychological or psychiatric evaluation shall be made
11 available to the attorney for the state and to the
12 defendant upon request. The reports are part of the
13 record but shall be sealed and opened only on order of

14 the court. If the defendant is committed to the
 15 custody of the Iowa department of corrections and is
 16 not a class "A" felon, a copy of the presentence
 17 investigation report shall be forwarded by ordinary or
 18 electronic mail to the director with the order of
 19 commitment by the clerk of the district court and to
 20 the board of parole at the time of commitment.
 21 Pursuant to section 904.602, the presentence
 22 investigation report may also be released by ordinary
 23 or electronic mail by the department of corrections or
 24 a judicial district department of correctional
 25 services to another jurisdiction for the purpose of
 26 providing interstate probation and parole compact or
 27 interstate compact for adult offender supervision
 28 services or evaluations, or to a substance abuse or
 29 mental health services provider when referring a
 30 defendant for services. The defendant or the
 31 defendant's attorney may file with the presentence
 32 investigation report, a denial or refutation of the
 33 allegations, or both, contained in the report. The
 34 denial or refutation shall be included in the report.
 35 If the person is sentenced for an offense which
 36 requires registration under chapter 692A, the court
 37 shall release the report by ordinary or electronic
 38 mail to the department.

39 Sec. 4. STUDY OF COURT RULE RELATED TO TRIBAL
 40 COURTS. The general assembly acknowledges that
 41 contact and interaction between the Iowa court system
 42 and federally recognized tribal courts are ever
 43 increasing and the general assembly urges the Iowa
 44 supreme court to consider developing and prescribing
 45 rules that recognize the tribal court system and
 46 enforce tribal court orders, judgments, and decrees."
 47 2. Title page, by striking lines 2 and 3 and
 48 inserting the following: "branch, including sending
 49 notices, and providing for fees."

Amendment H-1353 was adopted.

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. 325)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt

De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILES 671 and 838 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House Files 671 and 838 from further consideration by the House.

House File 834, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, was taken up for consideration.

Greiner of Washington 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. 834)

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 2:

Fallon Schueller

Absent or not voting, 2:

Lukan Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 414 and 783 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House Files 414 and 783 from further consideration by the House.

Senate Joint Resolution 6, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in

conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton 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. 6)

The ayes were, 81:

Baudler	Bell	Berry	Bukta
Chambers	Cohoon	Dandekar	Davitt
Dix	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kressig	Kuhn	Kurtenbach	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Carroll, Presiding			

The nays were, 18:

Alons	Anderson	Arnold	Boal
De Boef	Eichhorn	Fallon	Heddens
Hogg	Kaufmann	Lalk	Roberts
Shomshor	Swaim	Taylor, D.	Tomenga
Van Engelenhoven	Zirkelbach		

Absent or not voting, 1:

Miller

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton 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. 7)

The ayes were, 78:

Baudler	Bell	Berry	Bukta
Chambers	Cohoon	Dandekar	Davitt
Dix	Dolecheck	Drake	Elgin
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kressig
Kuhn	Kurtenbach	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shoultz
Smith	Soderberg	Struyk	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Carroll, Presiding		

The nays were, 21:

Alons	Anderson	Arnold	Boal
De Boef	Eichhorn	Fallon	Ford
Heddens	Hogg	Kaufmann	Lalk
Olson, D.	Roberts	Shomshor	Swaim
Taylor, D.	Tomenga	Van Engelenhoven	Wilderdyeke
Zirkelbach			

Absent or not voting, 1:

Miller

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 834, 835, 839, Senate Joint Resolutions 6 and 7 and Senate File 325.**

Regular Calendar

Senate File 339, a bill for an act relating to regional transit districts, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama in the chair at 10:03 a.m.

Raecker 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. 339)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Horbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Senate File 340, a bill for an act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment H-1357 filed by her and moved its adoption:

H-1357

1 Amend Senate File 340, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by inserting after the word
4 "violation" the following: "or if the citation has
5 been dismissed as against the owner of the vehicle
6 pursuant to section 321.484".

7 2. Page 3, by inserting after line 16, the
8 following:

9 "Sec. __. Section 321.484, unnumbered paragraph
10 2, Code 2005, is amended to read as follows:

11 The owner of a vehicle shall not be held
12 responsible for a violation of a provision regulating
13 the stopping, standing, or parking of a vehicle,
14 whether the provision is contained in this chapter, or
15 chapter 321L, or an ordinance or other regulation or
16 rule, if the owner establishes that at the time of the
17 violation the vehicle was in the custody of an
18 identified person other than the owner pursuant to a

19 lease as defined in chapter 321F or pursuant to a
 20 rental agreement as defined in section 516D.3. The
 21 furnishing to the county attorney where the charge is
 22 pending of a copy of the lease prescribed by section
 23 321F.6 or rental agreement that was in effect for the
 24 vehicle at the time of the alleged violation shall be
 25 prima facie evidence that the vehicle was in the
 26 custody of an identified person other than the owner
 27 within the meaning of this paragraph. Upon receipt of
 28 such evidence, the appropriate authority shall dismiss
 29 as against the owner of the vehicle any citation
 30 issued for a violation within the meaning of this
 31 paragraph that occurred while the vehicle was in the
 32 custody of the identified person."
 33 3. Title page, line 3, by inserting after the
 34 word "penalties" the following: ", and providing an
 35 effective date".
 36 4. By renumbering as necessary.

Amendment H-1357 was adopted.

Huser 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.

Speaker pro tempore Carroll in the chair at 10:08 a.m.

On the question "Shall the bill pass?" (S.F. 340)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foega
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Hogg
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueler	Shomshor	Shoultz	Smith

Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

Appropriations Calendar

Senate File 346, 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 passage, was taken up for consideration.

May of Dickinson 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. 346)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy

Mertz	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdylke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Miller

Murphy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 365, a bill for an act relating to the application deadline for certification of enterprise zones, with report of committee recommending amendment and passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment H-1350 filed by the committee on economic growth and moved its adoption:

H-1350

- 1 Amend Senate File 365, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word and
- 4 figures "July 1, 2005 2006" and inserting the
- 5 following: "~~July 1, 2005~~ March 1, 2006".

The committee amendment H-1350 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. 365)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foega
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wildurdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Miller Murphy

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: **Senate Files 339, 340, 346 and 365.**

The House stood at ease at 10:37 a.m., until the fall of the gavel.

The House resumed session at 11:34 a.m., Speaker pro tempore Carroll in the chair.

ADOPTION OF HOUSE RESOLUTION 32

Speaker Rants called up for consideration **House Resolution 32**, a resolution honoring the Morningside College Women's Basketball Team on their national championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Speaker Rants introduced the Morningside College President, John Reynders, whom thanked the House for the honor.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 11:37 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:02 p.m., Paulsen of Linn in the chair.

INTRODUCTION OF BILL

House File 855, by Whitaker and Mascher, a bill for an act providing for the establishment of an Iowa health freedom Act.

Read first time and referred to committee on **human resources**.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 686, a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control, was taken up for consideration.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment H-1122 filed by him and Dolecheck of Ringgold on March 21, 2005.

Dix of Butler offered amendment H-1082 filed by him and Watts of Dallas as follows:

H-1082

- 1 Amend House File 686 as follows:
- 2 1. By striking page 1, line 1, through page 3,
- 3 line 25.
- 4 2. Page 4, by striking lines 26 through 31.
- 5 3. By renumbering as necessary.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment H-1132, to amendment H-1082, filed by him on March 21, 2005.

On motion by Dix of Butler, amendment H-1082 was adopted.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1087 filed by him and Paulsen of Linn on March 15, 2005.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H-1090 filed by him and Paulsen of Linn on March 16, 2005.

Dolecheck of Ringgold offered the following amendment H-1125 filed by him and moved its adoption:

H-1125

- 1 Amend House File 686 as follows:
- 2 1. Page 10, line 10, by striking the word "not"
- 3 and inserting the following: "net".
- 4 2. Page 10, line 12, by inserting after the word

5 "interest" the following: "to the extent not in
6 conflict with this chapter".

7 3. Page 11, by inserting after line 2 the
8 following:

9 "Sec. ____ Section 573.12, subsection 1,
10 unnumbered paragraph 1, Code 2005, is amended to read
11 as follows:

12 Payments made under contracts for the construction
13 of public improvements, unless provided otherwise by
14 law, shall be made on the basis of monthly estimates
15 of labor performed and material delivered, as
16 determined by the project architect or engineer. The
17 public corporation shall retain from each monthly
18 payment not more than five percent of that amount
19 which is determined to be due according to the
20 estimate of the architect or engineer. ~~However,~~
21 ~~institutions governed pursuant to chapter 262 may, on~~
22 ~~contracts where a bond is required under section~~
23 ~~573.2, make payments under this section without~~
24 ~~retention until ninety five percent of the contract~~
25 ~~amount has been paid and the remaining five percent of~~
26 ~~the contract amount shall be paid as provided under~~
27 ~~section 573.14."~~

28 4. Page 11, by striking lines 23 through 27 and
29 inserting the following: "accrues, and shall be the
30 same as the rate of interest that is in effect under
31 section 12C.6, as of the day interest begins to
32 accrue, for a deposit of public funds for a comparable
33 period of time. However, for institutions governed
34 pursuant to chapter 262, the rate of interest shall be
35 determined by the period of time during which interest
36 accrues, and shall be calculated as the prime rate
37 plus one percent per year as of the day interest
38 begins to accrue. This paragraph does not abridge any
39 of the rights".

40 5. By renumbering as necessary.

Amendment H-1125 was adopted.

Dolecheck of Ringgold 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. 686)

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

De Boef	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
Mertz	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Paulsen, Presiding

The nays were, 6:

Davitt	Hunter	Hutter	Maddox
McCarthy	Pettengill		

Absent or not voting, 2:

Eichhorn	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 831, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds, was taken up for consideration.

Granzow of Hardin moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 831)

The ayes were, 90:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Whitead	Wilderdyke	Wise
Zirkelbach	Paulsen, Presiding		

The nays were, 8:

Fallon	Hunter	Jochum	Lensing
Shoultz	Wendt	Wessel-Kroeschell	Winckler

Absent or not voting, 2:

Eichhorn	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Regular Calendar

Senate File 176, a bill for an act entering Iowa into the midwestern higher education compact, with report of committee recommending passage, was taken up for consideration.

Tymeson of Madison 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. 176)

The ayes were, 65:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Carroll	Chambers
Dandekar	De Boef	Dix	Dolecheck
Drake	Elgin	Ford	Freeman
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	Mascher	May	Mertz
Murphy	Oldson	Olson, S.	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Shomshor	Soderberg	Struyk
Taylor, T.	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Wilderdyeke
Paulsen, Presiding			

The nays were, 32:

Bell	Bukta	Cohoon	Davitt
Fallon	Foege	Frevort	Hogg
Huser	Kressig	Kuhn	Lensing
Lykam	McCarthy	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shoultz	Smith
Swaim	Taylor, D.	Thomas	Wessel-Kroeschell
Whitaker	Winckler	Wise	Zirkelbach

Absent or not voting, 3:

Eichhorn	Miller	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 796 WITHDRAWN

Granzow of Hardin asked and received unanimous consent to withdraw House File 796 from further consideration by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 686, 831 and Senate File 176.**

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, 2005: House Files 131, 291 and 370.

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, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 186, an act updating the code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

House File 187, an act relating to the Utility Replacement Task Force.

House File 332, an act allowing certain abstractors to request a mortgage release.

House File 373, an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

Senate File 74, an act relating to financial institutions and insurers, by prohibiting the deceptive use of name, and providing remedies and penalties.

Senate File 215, an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

A group of 70 students from Kennedy High School, Cedar Rapids, Iowa, accompanied by Pat Grady and Pat Corry. By Hogg of Linn and Elgin of Linn.

Twenty government students from Washington High School, Vinton, Iowa, accompanied by Sharyl Stulken. By Pettengill of Benton.

Four government students from West Monona High School, Onawa, Iowa. By Wilderdyke of Harrison.

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

- 2005\1214 Delmar Iburg, Williamburg – For celebrating his 80th birthday.
- 2005\1215 Jasper Riskedahl, Ames – For celebrating his 90th birthday.
- 2005\1216 Glen Lowman, Ames – For celebrating his 90th birthday.
- 2005\1217 George Ladd, Ames – For celebrating his 80th birthday.
- 2005\1218 Willard Lundahl, Madrid – For celebrating his 80th birthday.
- 2005\1219 Robert Phillips, Ames – For celebrating his 80th birthday.
- 2005\1220 Kenneth Gillette, Ames – For celebrating his 80th birthday.
- 2005\1221 Edna Bryan, Madrid – For celebrating her 80th birthday.
- 2005\1222 Grace Myers, Ames – For celebrating her 80th birthday.
- 2005\1223 Ruth Orr, Ames – For celebrating her 95th birthday.
- 2005\1224 T. Lucille Long, Waterloo – For celebrating her 88th birthday.
- 2005\1225 Ethel Jacobs, Oskaloosa – For celebrating he 90th birthday.
- 2005\1226 Melvin E. and Jeneane L. Dykstra, Oskaloosa – For celebrating their 55th wedding anniversary.
- 2005\1227 Marvin and Mary Hall, Oskaloosa – For celebrating their 50th wedding anniversary.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 298 Ways and Means

Relating to the establishment by certain cities of sales tax increment financing districts.

H.S.B. 299 Appropriations

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

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 HUMAN RESOURCES

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1362** April 12, 2005.

Pursuant to Rule 31.7, House File 841 was referred to the committee on ways and means.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 410), providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2005.

Committee Bill (Formerly House File 670), relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

Committee Bill (Formerly House File 806), relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

Committee Bill (Formerly House Study Bill 286), establishing an economic development tax credit certificate transfer program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

RESOLUTIONS FILED

HCR 15, by Fallon, Berry, Bukta, Cohoon, Dandekar, Davitt, Foege, Ford, Frevert, Heddens, Hunter, Jacoby, Jochum, Kressig, Kuhn, Lensing, Lykam, Mascher, Mertz, Miller, Murphy, Oldson, D. Olson, R. Olson, Petersen, Pettengill, Reichert, Schueller, Shomshor, Smith, Swaim, D. Taylor, T. Taylor, Thomas, Wendt, Wessel-Kroeschell, Whitaker, Whitead, Wise and Zirkelbach, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

Laid over under **Rule 25**.

HR 40, by Arnold and Whitaker, a resolution honoring the city of Eddyville on its 165th anniversary.

Laid over under **Rule 25**.

HR 41, by Fallon, Berry, Bukta, Davitt, Foege, Heddens, Hogg, Hunter, Jacoby, Kressig, Kuhn, Mascher, Miller, Oldson, D. Olson, Petersen, Pettengill, Schueller, Shomshor, Smith, D. Taylor, T. Taylor, Thomas, Wendt, Whitead and Zirkelbach, a resolution protesting the proposed reduction in the federal Community Development Block Grant program.

Laid over under **Rule 25**.

HR 42, by Swaim, a resolution to recognize and honor Johnny Talbot of Centerville for his service as a navy fighter pilot in the Battle of Midway.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1358	H.F.	683	Senate Amendment
H—1359	H.F.	716	Senate Amendment
H—1360	H.F.	820	Ford of Polk
Smith of Marshall			Whitaker of Van Buren
Jochum of Dubuque			Winckler of Scott
Kressig of Black Hawk			Wessel-Kroeschell of Story
Lensing of Johnson			Mascher of Johnson
Davitt of Warren			Schueller of Jackson
Murphy of Dubuque			
H—1361	H.F.	836	Tomenga of Polk
H—1362	H.F.	841	Committee on Human Resources
H—1363	H.F.	805	Struyk of Pottawattamie
H—1364	H.F.	849	Raecker of Polk
H—1365	S.F.	350	Struyk of Pottawattamie
H—1366	H.F.	820	Struyk of Pottawattamie
H—1367	S.F.	350	Heaton of Henry
H—1368	S.F.	350	Heaton of Henry

On motion by Jacobs of Polk the House adjourned at 1:55 p.m., until 8:45 a.m., Thursday, April 14, 2005.

JOURNAL OF THE HOUSE

Ninety-fifth Calendar Day - Sixty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 14, 2005

The House met pursuant to adjournment at 8:50 a.m., Roberts of Carroll in the chair.

Prayer was offered by Reverend Mario Lara, pastor of Lifebridge Christian Church, Carroll. He was the guest of Representative Mark Davitt of Warren County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Representative Roberts of Carroll.

The Journal of Wednesday, April 13, 2005 was approved.

INTRODUCTION OF BILLS

House File 856, by committee on ways and means, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Read first time and placed on the **ways and means calendar**.

House File 857, by committee on ways and means, a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Read first time and placed on the **ways and means calendar**.

House File 858, by committee on appropriations, a bill for an act establishing a statewide work-based learning intermediary network program and creating a fund.

Read first time and placed on the **appropriations calendar**.

Speaker pro tempore Carroll in the chair at 8:57 a.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mertz of Kossuth, until her arrival, on request of Whitaker of Van Buren.

CONSIDERATION OF BILLS
Regular Calendar

Senate File 363, a bill for an act providing for the regulation of persons engaged in soliciting business opportunities, including franchises, with report of committee recommending passage, was taken up for consideration.

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. 363)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker

Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Mertz	Miller
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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 File 260, a bill for an act relating to debt collection disclosure requirements for certain financial institution affiliates, 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. 260)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.

Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Mertz	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Unfinished Business Calendar

House File 744, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable, was taken up for consideration.

SENATE FILE 352 SUBSTITUTED FOR HOUSE FILE 744

Heaton of Henry asked and received unanimous consent to substitute Senate File 352 for House File 744.

Senate File 352, a bill for an act relating to confidentiality and liability provisions involving the child advocacy board and the programs associated with the board and making a penalty applicable, was taken up for consideration.

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?" (S.F. 352)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill

Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyeke	Winckler	Wise
Zirkelbach	Carroll, Presiding		

The nays were, none.

Absent or not voting, 2:

Mertz Miller

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 13, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 339, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable.

Also: That the Senate has on April 13, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 532, a bill for an act relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

Also: That the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 585, a bill for an act relating to assisted living programs, providing for a fee and providing penalties.

Also: That the Senate has on April 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 587, a bill for an act relating to adult day services regulation and providing penalties.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 613, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas.

Also: That the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

Also: That the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 742, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date.

Also: That the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 745, a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

Also: That the Senate has on April 13, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 746, a bill for an act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 757, a bill for an act relating to the disposition of abandoned vehicles.

Also: That the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 777, a bill for an act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

Also: That the Senate has on April 13, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 826, a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 744 WITHDRAWN

Heaton of Henry asked and received unanimous consent to withdraw House File 744 from further consideration by the House.

House File 505, a bill for an act relating to the provisions of the elder Iowans Act, was taken up for consideration.

SENATE FILE 304 SUBSTITUTED FOR HOUSE FILE 505

Roberts of Carroll asked and received unanimous consent to substitute Senate File 304 for House File 505.

Senate File 304, a bill for an act relating to the provisions of the elder Iowans Act, 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. 304)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Jenkins Mertz Miller

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 505 WITHDRAWN

Roberts of Carroll asked and received unanimous consent to withdraw House File 505 from further consideration by the House.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 260, 304, 352 and 363.**

The House stood at ease at 9:21 a.m., until the fall of the gavel.

The House resumed session at 10:33 a.m., Roberts of Carroll in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Huser of Polk, until her arrival, on request of Dandekar of Linn.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 617, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 620, a bill for an act relating to the volunteer health care provider program and providing an effective date.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 641, a bill for an act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 708, a bill for an act relating to the establishment of rural improvement zones.

Also: That the Senate has on April 14, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 710, a bill for an act relating to the regulation of elder group homes and providing penalties.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 754, a bill for an act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 760, a bill for an act relating to dependent adults and the provision of protective services.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 768, a bill for an act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 772, a bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

House File 836, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties, was taken up for consideration.

Tomenga of Polk offered the following amendment H-1361 filed by him and moved its adoption:

H-1361

- 1 Amend House File 836 as follows:
- 2 1. Page 36, line 8, by striking the word "a."
- 3 2. Page 36, by striking lines 16 through 19.

Amendment H-1361 was adopted.

Tomenga 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. 836)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg

Horbach	Hunter	Huseman	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting and 3:

Huser	Mertz	Miller
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 763 WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw House File 763 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 836** be immediately messaged to the Senate.

House File 706, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims, was taken up for consideration.

SENATE FILE 335 SUBSTITUTED FOR HOUSE FILE 706

Struyk of Pottawattamie asked and received unanimous consent to substitute Senate File 335 for House File 706.

Senate File 335, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims, was taken up for consideration.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 335)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schuessler	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Huser	Mertz	Miller
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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 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 781, a bill for an act relating to the establishment of a direct care worker task force.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 784, a bill for an act to establish an advanced practice registered nurse compact and including a future repeal.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 706 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House File 706 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 335** be immediately messaged to the Senate.

SPECIAL PRESENTATION

Lukan of Dubuque introduced to the House the Honorable Dan Boddicker, former state representative from Cedar County.

House File 531, a bill for an act relating to the suspension of a child support obligation, was taken up for consideration.

SENATE FILE 350 SUBSTITUTED FOR HOUSE FILE 531

Lukan of Dubuque asked and received unanimous consent to substitute Senate File 350 for House File 531.

Senate File 350, a bill for an act relating to the suspension of a child support obligation, was taken up for consideration.

Petersen of Polk offered the following amendment H-1346 filed by Petersen, et al., and moved its adoption:

H-1346

- 1 Amend Senate File 350, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1, the
- 4 following:
- 5 "Section 1. Section 252B.9, subsection 1,
- 6 paragraph d, subparagraph (2), Code 2005, is amended
- 7 to read as follows:
- 8 (2) Certain records held by public utilities ~~and,~~
- 9 ~~cable, or other~~ television companies, cellular
- 10 telephone companies, and internet service providers
- 11 with respect to individuals who owe or are owed
- 12 support, or against or with respect to whom a support
- 13 obligation is sought, consisting of the names and
- 14 addresses of such individuals and the names and
- 15 addresses of the employers of such individuals, as
- 16 appearing in customer records. If the records are
- 17 maintained in automated databases, the unit shall be
- 18 provided with automated access."
- 19 2. Title page, line 1, by inserting after the
- 20 word "to" the following: "child support recovery
- 21 including access to information for the purposes of
- 22 recovery and".
- 23 3. By renumbering as necessary.

Amendment H-1346 was adopted.

Murphy of Dubuque offered the following amendment H-1347 filed by Shoultz of Black Hawk and moved its adoption:

H-1347

- 1 Amend Senate File 350, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 30, the
- 4 following:
- 5 "Sec. __. Section 598.22A, subsection 1,
- 6 unnumbered paragraph 1, Code 2005, is amended to read
- 7 as follows:
- 8 For payment made pursuant to an order, the clerk of
- 9 the district court or collection services center shall
- 10 record a satisfaction as a credit on the official
- 11 support payment record if its validity is confirmed by
- 12 the court upon submission of an affidavit by the
- 13 person entitled to receive the payment or upon
- 14 submission of documentation of the financial

15 instrument used in the payment of the support by the
16 person ordered to pay support, after notice is given
17 to all parties."

18 2. Title page, line 1, by inserting after the
19 word "to" the following: "child support including".

20 3. Title page, line 1, by inserting after the
21 word "obligation" the following: "and the
22 satisfaction of support payments".

23 4. By renumbering as necessary.

Amendment H-1347 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to defer on amendment H-1365.

Heaton of Henry offered the following amendment H-1367 filed by him and moved its adoption:

H-1367

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 30, the
4 following:

5 "Sec. __. Section 252D.17, subsection 8, Code
6 2005, is amended to read as follows:

7 8. If the payor knowingly fails to withhold income
8 or to pay the amounts withheld to the collection
9 services center or the clerk of court in accordance
10 with the provisions of the order, the notice of the
11 order, or the notification of payors of income
12 provisions established in section 252B.13A, the payor
13 commits a simple misdemeanor for a first offense and
14 is liable for the accumulated amount which should have
15 been withheld, together with costs, interest, and
16 reasonable attorney fees related to the collection of
17 the amounts due from the payor. For each subsequent
18 offense prescribed under this subsection, the payor
19 commits a serious misdemeanor and is liable for the
20 accumulated amount which should have been withheld,
21 together with costs, interest, and reasonable attorney
22 fees related to the collection of the amounts due from
23 the payor."

24 2. Title page, line 1, by inserting after the
25 word "to" the following: "child support including
26 provisions relating to failure to withhold income or
27 to pay the amounts withheld and to".

28 3. Title page, line 1, by inserting after the

29 word "obligation" the following: "and providing
30 penalties".
31 4. By renumbering as necessary.

Amendment H-1367 was adopted.

Heaton of Henry offered the following amendment H-1368 filed by him and moved its adoption:

H-1368

1 Amend Senate File 350, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 30 the
4 following:

5 "Sec. NEW SECTION. 252B.25 CONTEMPT -
6 COMBINING ACTIONS.

7 Notwithstanding any provision of law to the
8 contrary, if an obligor has been ordered to provide
9 support in more than one order, the unit may bring a
10 single action for contempt to enforce the multiple
11 orders. The unit shall file the action in the
12 district court of a county where at least one of the
13 support orders was entered or registered. For the
14 purposes of this section, the district court where the
15 unit files the action shall have jurisdiction and
16 authority over all other support orders for the
17 obligor entered or registered by a court of this state
18 and affected under this section. In such case, the
19 unit shall also file a document with the clerk of
20 court in each county affected specifying the county
21 where the action under this section was filed and the
22 disposition of the action.

23 Sec. NEW SECTION. 252B.26 SERVICE OF
24 PROCESS.

25 Notwithstanding any provision of law to the
26 contrary, the unit may serve a petition, notice, or
27 rule to show cause under chapter 252A, 252C, 252F,
28 252H, 252K, 598, or 665 as specified in each chapter,
29 or by certified mail. Return acknowledgement is
30 required to prove service by certified mail, rules of
31 civil procedure 1.303(5) and 1.308(5) shall not apply,
32 and the return acknowledgment shall be filed with the
33 clerk of court.

34 Sec. NEW SECTION. Section 252D.3, Code 2005, is amended to
35 read as follows:

36 252D.3 NOTICE OF INCOME WITHHOLDING.

37 All orders for support entered on or after July 1,
38 1984, shall notify the person ordered to pay support
39 of the mandatory withholding of income required under
40 section 252D.1. ~~However, for orders for support~~

41 entered before July 1, 1984, the clerk of the district
42 court, the child support recovery unit, or the person
43 entitled by the order to receive the support payments;
44 shall notify each person ordered to pay support under
45 such orders of the mandatory withholding of income
46 required under section 252D.1. The notice shall be
47 sent by certified mail to the person's last known
48 address or the person shall be personally served with
49 the notice in the manner provided for service of an
50 original notice at least fifteen days prior to the

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1 ~~ordering of income withholding under section 252D.1.~~
2 A person ordered to pay support may waive the right to
3 receive the notice at any time. However, this
4 subchapter is sufficient notice of implementation of
5 mandatory withholding of income under section 252D.1
6 without any further notice.

7 Sec. __. Section 252D.10, Code 2005, is amended
8 to read as follows:

9 252D.10 NOTICE OF IMMEDIATE INCOME WITHHOLDING.

10 The notice requirements of section 252D.3 do not
11 apply to this subchapter. An order for support
12 entered after November 1, 1990, shall contain the
13 notice of immediate income withholding. However, this
14 subchapter is sufficient notice for implementation of
15 immediate income withholding without any further
16 notice.

17 Sec. __. Section 252D.16, subsection 1, paragraph
18 b, Code 2005, is amended to read as follows:

19 b. A sole payment or lump sum as provided in
20 section 252D.18C, including but not limited to payment
21 from an estate including inheritance, or payment for
22 personal injury or property damage.

23 Sec. __. Section 252D.24, subsection 2, Code
24 2005, is amended by striking the subsection.

25 Sec. __. Section 252I.3, Code 2005, is amended to
26 read as follows:

27 252I.3 INITIAL NOTICE TO OBLIGOR.

28 ~~The unit may proceed under this chapter only if~~
29 ~~notice has been provided to the obligor in one of the~~
30 ~~following manners:~~

31 ~~1. The obligor is provided notice of the~~
32 ~~provisions of this chapter in the court order~~
33 ~~establishing the support obligation. The unit or~~
34 ~~district court may include language in any new or~~
35 ~~modified support order issued on or after July 1,~~
36 ~~1994, notifying the obligor that the obligor is~~
37 ~~subject to the provisions of this chapter. However,~~
38 ~~this chapter is sufficient notice for implementation~~
39 ~~of administrative levy provisions without further~~

40 notice of the provisions of this chapter.

41 ~~2. The unit may send a notice by regular mail to~~
42 ~~the last known address of the obligor, notifying the~~
43 ~~obligor that the obligor is subject to the provisions~~
44 ~~of this chapter, with proof of service completed~~
45 ~~according to rule of civil procedure 1.442.~~

46 Sec. ___. Section 252I.5, subsection 1, Code 2005,
47 is amended to read as follows:

48 1. If an obligor is subject to this chapter under
49 section 252I.2, the unit may initiate an
50 administrative action to levy against the accounts of

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1 the obligor. ~~If notice has previously been provided~~
2 ~~pursuant to section 252I.3, further notice is not~~
3 ~~required.~~

4 Sec. ___. Section 252J.3, unnumbered paragraph 1,
5 Code 2005, is amended to read as follows:

6 The unit shall proceed in accordance with this
7 chapter only if ~~the unit sends a notice is served on~~
8 ~~to the individual in accordance with rule of civil~~
9 ~~procedure 1.305 or notice is sent by certified mail~~
10 ~~addressed to the individual's last known address and~~
11 ~~served upon any person who may accept service under~~
12 ~~rule of civil procedure 1.305. Return acknowledgment~~
13 ~~is required to prove service by certified by regular~~
14 ~~mail to the last known address of the individual.~~ The
15 notice shall include all of the following:

16 Sec. ___. Section 252J.3, subsections 4 and 5,
17 Code 2005, are amended to read as follows:

18 4. A statement that if, within twenty days of
19 ~~service mailing of the notice on to~~ the individual,
20 the individual fails to contact the unit to schedule a
21 conference, the unit shall issue a certificate of
22 noncompliance, bearing the individual's name, social
23 security number and unit case number, to any
24 appropriate licensing authority, certifying that the
25 obligor is not in compliance with a support order or
26 an individual has not complied with a subpoena or
27 warrant.

28 5. A statement that in order to stay the issuance
29 of a certificate of noncompliance the request for a
30 conference shall be in writing and shall be received
31 by the unit within twenty days of ~~service mailing of~~
32 ~~the notice on to~~ the individual.

33 Sec. ___. Section 252J.4, subsections 1, 2, and 6,
34 Code 2005, are amended to read as follows:

35 1. The individual may schedule a conference with
36 the unit following ~~service mailing of the~~ notice
37 pursuant to section 252J.3, or at any time after
38 service of notice of suspension, revocation, denial of

39 issuance, or nonrenewal of a license from a licensing
40 authority, to challenge the unit's actions under this
41 chapter.

42 2. The request for a conference shall be made to
43 the unit, in writing, and, if requested after ~~service~~
44 mailing of a the notice pursuant to section 252J.3,
45 shall be received by the unit within twenty days
46 following ~~service~~ mailing of the notice.

47 6. If the individual does not timely request a
48 conference or does not comply with a subpoena or
49 warrant or if the obligor does not pay the total
50 amount of delinquent support owed within twenty days

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1 of ~~service~~ mailing of the notice pursuant to section
2 252J.3, the unit shall issue a certificate of
3 noncompliance.

4 Sec. __. Section 252J.6, subsection 1, unnumbered
5 paragraph 1, Code 2005, is amended to read as follows:

6 If an obligor is not in compliance with a support
7 order or the individual is not in compliance with a
8 subpoena or warrant pursuant to section 252J.2, the
9 unit ~~notifies~~ mails a notice to the individual
10 pursuant to section 252J.3, and the individual
11 requests a conference pursuant to section 252J.4, the
12 unit shall issue a written decision if any of the
13 following conditions exists:

14 Sec. __. Section 600.16A, subsection 5, Code
15 2005, is amended to read as follows:

16 5. Notwithstanding subsection 2, a termination of
17 parental rights order issued pursuant to this chapter,
18 section 600A.9 ~~may, or any other chapter~~ shall be
19 disclosed to the child support recovery unit, upon
20 request, without court order.

21 Sec. __. NULLIFICATION OF RULES. The following
22 rules are nullified:

- 23 1. 441 IAC 98.22.
- 24 2. 441 IAC 98.23.
- 25 3. 441 IAC 98.33.
- 26 4. 441 IAC 98.92."

27 2. Title page, by inserting after the word "to"
28 the following: "child support, including".

29 3. Title page, line 1, by inserting after the
30 word "obligation" the following: "and nullifying
31 related administrative rules".

A non-record roll call was requested.

The ayes were 49, nays 34.

Amendment H-1368 was adopted.

Gipp of Winneshiek asked and received unanimous consent that Senate File 350 be deferred and that the bill retain its place on the calendar.

House File 820, a bill an act concerning state liquor activities, including liquor prices set by the alcoholic beverages division, moneys appropriated from liquor sale revenue for substance abuse treatment, and state liquor warehouse and trucking operations and providing an effective date, was taken up for consideration.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1273 filed by him on March 31, 2005.

Struyk of Pottawattamie offered amendment H-1326 filed by him as follows:

H-1326

1 Amend House File 820 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 123.24, subsection 1, Code
5 2005, is amended to read as follows:

6 1. The division shall sell alcoholic liquor at
7 wholesale only. The division shall sell alcoholic
8 liquor to class "E" liquor control licensees only.
9 ~~The division shall offer the same price on alcoholic~~
10 ~~liquor to all class "E" liquor control licensees~~
11 ~~without regard for the quantity of purchase or the~~
12 ~~distance for delivery. However, the division may~~
13 ~~assess a split case charge when liquor is sold in~~
14 ~~quantities which require a case to be split. A class~~
15 "E" liquor control licensee may purchase alcoholic
16 liquor from the division and pickup or contract for
17 the pickup of the liquor purchased.

18 Sec. 2., Section 123.53, subsection 3, Code 2005,
19 is amended to read as follows:

20 3. The treasurer of state shall transfer into a
21 special revenue account in the general fund of the
22 state, a sum of money at least equal to seven percent
23 of the gross amount of sales made by the division from
24 the beer and liquor control fund on a monthly basis
25 but not less than nine million dollars annually, ~~and~~
26 ~~any amounts so.~~ Of the amounts transferred, two
27 million dollars, plus an additional amount determined

28 ~~by the general assembly, shall be used by appropriated~~
29 ~~to the substance abuse division of the Iowa department~~
30 ~~of public health to be used~~ for substance abuse
31 treatment and prevention programs in an amount
32 ~~determined by the general assembly and any.~~ Any
33 amounts received in excess of the amounts appropriated
34 to the substance abuse division of the Iowa department
35 of public health shall be considered part of the
36 general fund balance.
37 Sec. 3. ALCOHOLIC BEVERAGES DIVISION – STATE
38 LIQUOR WAREHOUSE AND TRUCKING FUNCTIONS.
39 Notwithstanding sections 7J.1 and 123.20, subsection
40 4, and any other applicable provision of law, the
41 alcoholic beverages division of the department of
42 commerce shall not employ or add full-time equivalent
43 positions for purposes of the state assuming the state
44 liquor warehouse and trucking functions performed by a
45 private contractor as of April 1, 2004. The
46 department of administrative services shall issue a
47 request for proposals or otherwise utilize a
48 competitive process to select a successor contractor
49 to perform the state liquor warehouse and trucking
50 functions. The request for proposals to perform state

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1 liquor warehouse functions shall require bidders to
2 include in their bid the manner in which the bidder
3 will maximize the utilization of current state liquor
4 warehouse infrastructure. The division may submit a
5 bid in response to a request for proposals issued
6 pursuant to this section. If the division submits a
7 bid, the division shall include in the bid the cost of
8 labor to perform the contract which shall be
9 calculated by using the cost of hiring full-time
10 equivalent positions to perform the contract pursuant
11 to state pay grade classifications and benefits as
12 outlined in the most recent collective bargaining
13 agreement applicable to other employees of the
14 division.

15 Sec. 4. EFFECTIVE DATE. The section of this Act
16 amending section 123.53 takes effect July 1, 2006."

Struyk of Pottawattamie offered the following amendment
H-1366, to amendment H-1326, filed by him and moved its adoption:

H-1366

1 Amend the amendment, H-1326, to House File 820 as
2 follows:
3 1. Page 1, by striking lines 9 through 14 and

4 inserting the following: "The division shall offer
5 the same price on alcoholic liquor to all class "E"
6 liquor control licensees without regard for the
7 quantity of purchase ~~or the distance for delivery.~~
8 However, the division may assess a split-case charge
9 when liquor is sold in quantities which require a case
10 to be split. A class".

Amendment H-1366 was adopted.

Ford of Polk offered the following amendment H-1360, to amendment H-1326, filed by Ford, et al., and moved its adoption:

H-1360

1 Amend the amendment, H-1326, to House File 820 as
2 follows:
3 1. Page 1, line 26, by striking the word "two"
4 and inserting the following: "nine".

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment H-1360 lost.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1380 to amendment H-1326 filed by him from the floor.

Struyk of Pottawattamie offered the following amendment H-1379, to amendment H-1326, filed by him, from the floor and moved its adoption:

H-1379

1 Amend the amendment, H-1326, to House File 820, as
2 follows:
3 1. Page 1, line 50, by inserting after the word
4 "functions." the following: "The request for
5 proposals or competitive process shall be issued or
6 commenced as soon as is reasonably possible and a
7 replacement for the private contractor which was in
8 place April 1, 2004, shall be selected no later than
9 December 31, 2005."

Amendment H-1379 was adopted.

Speaker pro tempore Carroll in the chair at 12:09 p.m.

On motion by Struyk of Pottawattamie, amendment H-1326, as amended, was adopted.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 820)

The ayes were, 60:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lukan	Lykam
Maddox	McCarthy	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Shoultz	Smith
Soderberg	Struyk	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Wise	Carroll, Presiding

The nays were, 38:

Bell	Bukta	Cohoon	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Heaton	Heddens	Hogg
Hunter	Jacoby	Jochum	Kuhn
Lensing	Mascher	May	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Reichert	Schueller	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Zirkelbach		

Absent or not voting, 2:

Mertz Miller

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, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 789, a bill for an act relating to programs and functions under the purview of the Iowa department of public health.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 797, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 731 WITHDRAWN

Struyk of Pottawattamie asked and received unanimous consent to withdraw House File 731 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 820** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 350**, a bill for an act relating to the suspension of a child support obligation, previously deferred.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H-1365, previously deferred and filed by him on April 13, 2005.

Murphy of Dubuque moved to reconsider the vote by which amendment H-1368 to Senate File 350 (found on pages 1240 through 1243 of the House Journal) was adopted by the House.

The motion failed, placing out of order amendment H-1384, to amendment H-1368, filed by Murphy of Dubuque 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. 350)

The ayes were, 84:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Chambers
Cohon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Elgin
Fallon	Foege	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Lalk
Lukan	Lykam	Maddox	May
Murphy	Oldson	Olson, D.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Wise	Zirkelbach	Carroll, Presiding

The nays were, 13:

Berry	Eichhorn	Ford	Gaskill
Hunter	Lensing	Mascher	McCarthy
Olson, R.	Shoultz	Taylor, T.	Wessel-Kroeschell
Winckler			

Absent or not voting, 3:

Kurtenbach	Mertz	Miller
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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

Jacobs of Polk asked and received unanimous consent that **Senate File 350** be immediately messaged to the Senate.

HOUSE FILE 531 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw House File 531 from further consideration by the House.

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.

SENATE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Jacobs of Polk asked and received unanimous consent to place the following Senate Files on the unfinished business calendar:

Senate File 57	Senate File 78
Senate File 123	Senate File 200
Senate File 201	Senate File 210
Senate File 220	Senate File 245
Senate File 321	Senate File 323
Senate File 341	Senate File 343
Senate File 370	Senate File 375
Senate File 383	

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing a resolution the following correction was made:

House Resolution 37

1. Page 1, line 21 – Should read “through 1975” instead of “through 1973”.

MARGARET A. THOMSON
Chief Clerk of the House

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 14th day of April, 2005: House Files 399, 581 and 602.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 14, 2005, he approved and transmitted to the Secretary of State the following bill:

House File 466, an Act 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 general fund.

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

- 2005\1228 Robert and Mavis Leech, Sidney – For celebrating their 50th wedding anniversary.
- 2005\1229 Richard and Phyllis Scott, Shenandoah – For celebrating their 50th wedding anniversary.
- 2005\1230 Jeffrey L. Williams, Osage – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1231 Andrew Biederman, Osage – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2005\1232 Curtis W. Younker II, Osage – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1233 Eric D. Johnson, Osage – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 298

Ways and Means: Struyk, Chair; Carroll and Huser.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 300 Ethics

A resolution amending the House Code of ethics.

H.S.B. 301 Ways and Means

Relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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 JUDICIARY

House File 833, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-1382 April 13, 2005.

COMMITTEE ON WAYS AND MEANS

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1375** April 13, 2005.

Pursuant to **Rule 31.7**, **House File 841** was referred to the committee on appropriations.

RESOLUTIONS FILED

HR 43, by Ford and Raecker, a resolution encouraging the state board of regents to establish a task force to review college student-athlete graduation rates at the universities under its control.

Laid over under **Rule 25**.

HR 44, by Kressig, a resolution to recognize Dennis Clark and his associates for their service to wounded veterans of the Iraq war.

Laid over under **Rule 25**.

HR 45, by Kressig, Berry, Frevert, T. Taylor, Jochum, Foege, Reichert, Smith, Heddens, Davitt, Winckler, Lensing, Gaskill, Pettengill, Kuhn, Whitaker, Bukta, Murphy, Mertz, Mascher, Swaim, Lykam, Whitead, Schueller, Zirkelbach, D. Taylor, R. Olson, Jacoby and McCarthy, a resolution urging the Iowa congressional delegation to make every effort to grant Iowa and other states the necessary time and resources to implement the requirements of the federal Individuals With Disabilities Education Act relating to highly qualified special education teachers.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1369	H.F.	829	Alons of Sioux
H-1370	H.F.	585	Senate Amendment
H-1371	H.F.	745	Senate Amendment
H-1372	H.F.	645	Senate Amendment
H-1373	H.F.	742	Senate Amendment
H-1374	H.F.	777	Senate Amendment

H—1375	H.F.	841	Committee on Ways and Means
H—1376	H.F.	587	Senate Amendment
H—1377	H.F.	617	Senate Amendment
H—1378	H.F.	710	Senate Amendment
H—1381	H.F.	805	Struyk of Pottawattamie
H—1382	H.F.	833	Committee on Judiciary
H—1385	H.F.	789	Senate Amendment
H—1386	H.F.	847	Hogg of Linn
H—1387	H.F.	847	Hogg of Linn

On motion by Jacobs of Polk the House adjourned at 12:24 p.m., until 9:00 a.m., Friday, April 15, 2005.

JOURNAL OF THE HOUSE

Ninety-sixth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 15, 2005

The House met pursuant to adjournment at 9:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable J. Scott Raecker, state representative from Polk County.

The Journal of Thursday, April 14, 2005 was approved.

INTRODUCTION OF BILLS

House File 859, by committee on ways and means, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 860, by committee on ways and means, a bill for an act establishing a tax credit certificate transfer program.

Read first time and placed on the **ways and means calendar**.

House File 861, by committee on ways and means, a bill for an act relating to telecommunications projects and facilities, including requirements regarding feasibility studies and reports and requirements regarding financing, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 862, 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.

Read first time and placed on the **appropriations 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 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 718, a bill for an act allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 724, a bill for an act creating a prescription drug donation repository program.

Also: That the Senate has on April 14, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 776, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

MICHAEL E. MARSHALL, Secretary

COMMUNICATIONS FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on April 6, 2005, and is on file in the office of the Chief Clerk:

April 5, 2005

Chief Clerk
House of Representatives
State house
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 16 claims of general nature that were denied by the State Appeal Board during February, March and April 2005.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

David A. Vautt
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 81ST GENERAL ASSEMBLY
February 2005 through April 2005

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G000248	Patricia Lou Wallace	Leighton	IA	License Refund	\$88.00
G000280	Lawrence Dean Swenson	Manson	IA	Penalty Refund	\$298.00
G010014	AgVantage FS, Inc.	New Hampton	IA	IRP Refund	\$216.07
G030329	Trans World Airlines	Kansas City	MO	Tax Reimbursement	\$158.97
G030776	Nippon Life Ins. Co. of America	Des Moines	IA	Premium Tax Ref.	\$2,320.00
G031115	All Nation Ins. Co.	Southfield	MI	Premium Tax Ref.	\$21,567.00
G041205	Specialty National Ins. Co.	Long Grove	IL	Premium Tax Ref.	\$7,370.94
G041206	Kemper Casualty Ins. Co.	Long Grove	IL	Premium Tax Ref.	\$10,101.10
G050238	John A. Hunt	Ottumwa	IA	Transportation	\$291.20
G902021	Marjorie Turner	Indianola	IA	Property Damage	\$25.00
G930294	Atlas Wall & Ceiling Supply	Bettendorf	IA	Fuel Tax Refund	\$51.53

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G930304	Edward M. Decker dba Decker Trucking	Philo	IL	Fuel Tax Refund	\$321.03
G940233	Timothy and Kathy Sulteen	Chucky	TN	License Refund	Unspecified
G971284	Scott Wayne Marshall	Monroe	IA	IFTA Credit	\$257.63
G980341	Tiemeyer Enterprises, Inc.	Shenandoah	IA	License Refund	Unspecified
G990503	Vault	Urbandale	IA	License Refund	\$182.00

HOUSE FILE 850 REREFERRED

The Speaker announced that House File 850, previously referred to committee on appropriations was rereferred to committee on ways and means.

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

2005\1234 Elaine Millie, Sioux City – For her 38 years as a dedicated teacher to the children of Iowa and Nebraska.

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

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

Committee Bill (Formerly House Study Bill 299), relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

On motion by Raecker of Polk the House adjourned at 9:01 a.m., until 1:00 p.m., Monday, April 18, 2005.

JOURNAL OF THE HOUSE

Ninety-ninth Calendar Day - Sixty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 18, 2005

The House met pursuant to adjournment at 1:12 p.m., Speaker Rants in the chair.

Prior to session, music was performed by "The Pump Town Band". They are the family of Mandy Hynek, Page from the Legislative Service Agency. They were the guests of Representative Mary Mascher from Johnson County.

Keith Huhn from Nevada sang "A Mighty Fortress Is Our God". He was the guest of Representative Jim Kurtenbach from Story County and brother-in-law of Assistant Chief Clerk Sue Jennings. Joni Carroll, daughter of Speaker pro tempore, Danny Carroll, sang "America the Beautiful".

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by 8th grade conflict management students from Anson School in Marshalltown, accompanied by Lynn Ford and Mark Chardoulias. They were the guests of Representative Mark Smith from Marshall County.

The Journal of Friday, April 15, 2005 was approved.

ADOPTION OF HOUSE RESOLUTION 37

Quirk of Chickasaw called up for consideration **House Resolution 37**, a resolution honoring America's Vietnam Veterans, Kaufmann of Cedar moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATIONS

Kaufmann of Cedar, Tymeson of Madison, Schueller of Jackson, Rasmussen of Buchanan, Davitt of Warren, Mertz of Kossuth,

J. K. Van Fossen of Scott, Heaton of Henry, Zirkelbach of Jones, Bell of Jasper, Shomshor of Pottawattamie, Boal of Polk, Horbach of Tama, and Carroll of Poweshiek introduced various Veterans from their districts as well as friends and relatives that served in Vietnam.

The House rose and expressed its gratitude.

SENATE FILE 367 REREFERRED

The Speaker announced that Senate File 367, previously **passed on file** was rereferred to committee on **natural resources**.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 18th day of April, 2005: House Files 252, 375, 469, 478, 580 and 826.

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 15, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 131, an Act relating to the required education and training for dental assistants.

House File 291, an Act relating to accounts and fees under the Water Quality Protection Fund.

House File 370, an Act allowing the Iowa Finance Authority to issue qualified residential rental project bonds under the Private Activity Bond Allocation Act.

House File 399, an Act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

House File 581, an Act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

House File 602, an Act relating to the collection, transportation, and disposal of household hazardous waste.

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

- 2005\1235 Veryl Paul, Sioux City – For celebrating his 100th birthday.
- 2005\1236 Clarence Meier, Sioux City – For celebrating his 82nd birthday.
- 2005\1237 Floyd and Carol Taylor, Sioux City – For celebrating their 65th wedding anniversary.
- 2005\1238 Norman Miller, Davenport – For celebrating his 80th birthday.
- 2005\1239 Margaret Loter, Davenport – For celebrating her 85th birthday.
- 2005\1240 Robert and Arlene Cass, Newton – For celebrating their 65th wedding anniversary.

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 ETHICS

Committee Bill (Formerly House Study Bill 300), amending the House code of ethics.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House File 437), relating to reimbursement of costs for certain appeals of the action of the local board of review relating to property assessments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 14, 2005.

Committee Bill (Formerly House Study Bill 283), relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

Committee Bill (Formerly House Study Bill 291), relating to a sales tax holiday for purchases of certain computers during certain times.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 14, 2005.

Committee Bill (Formerly House Study Bill 296), providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

AMENDMENTS FILED

H—1388	H.F.	539	Tomenga of Polk
H—1389	S.F.	272	Tomenga of Polk
H—1390	H.F.	862	Smith of Marshall Mascher of Johnson D. Olson of Boone
H—1391	H.F.	849	Raecker of Polk
H—1392	H.F.	829	Petersen of Polk
H—1393	S.F.	57	Tjepkes of Webster
H—1394	H.F.	846	Raecker of Polk
H—1395	H.F.	847	Mascher of Johnson

On motion by Gipp of Winneshiek the House adjourned at 1:49 p.m., until 8:45 a.m., Tuesday, April 19, 2005.

JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Cassie Lauterbach, a junior at Simpson College. She was the guest of Representative Ralph Watts from Dallas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Monday, April 18, 2005 was approved.

INTRODUCTION OF BILLS

House File 863, by committee on ways and means, a bill for an act relating to property assessment by allowing the combining of protests of assessment on multiple parcels separately assessed and by providing for reimbursement of costs for certain appeals of the action of the local board of review and including an applicability date.

Read first time and placed on the **ways and means calendar**.

House File 864, by committee on ways and means, a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions.

Read first time and placed on the **ways and means calendar**.

House File 865, by committee on ways and means, a bill for an act relating to elected county officers' associations and to the county recorders' county land record information system project and providing an effective date.

Read first time and placed on the **ways and means calendar**.

House File 866, by committee on ways and means, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times.

Read first time and placed on the **ways and means calendar**.

House File 867, by committee on ways and means, a bill for an act relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.

Read first time and placed on the **ways and means calendar**.

House File 868, by committee on ways and means, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

Read first time and placed on the **ways and means 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 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 275, a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 310, a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 313, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 398, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 423, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 607, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 616, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 685, a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

Also: That the Senate has on April 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 739, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 753, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

Also: That the Senate has on April 18, 2005, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 325, a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Also: That the Senate has on April 18, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 340, a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

Also: That the Senate has on April 18, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 365, a bill for an act relating to the application deadline for certification of enterprise zones.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 403, a bill for an act providing for the receipt of and costs relating to public records requests.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 404, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

House File 805, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, was taken up for consideration.

Struyk of Pottawattamie offered amendment H-1319 filed by him as follows:

H-1319

- 1 Amend House File 805 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 OPEN FEEDLOT OPERATIONS
- 6 SUBCHAPTER I
- 7 GENERAL PROVISIONS
- 8 Section 1. NEW SECTION. 459A.101 TITLE.
- 9 This chapter shall be known and may be cited as the
- 10 "Animal Agriculture Compliance Act for Open Feedlot
- 11 Operations".

12 Sec. 2. NEW SECTION. 459A.102 DEFINITIONS.

- 13 1. "Alternative technology system" or "alternative
14 system" means a system for open feedlot effluent
15 control as provided in section 459A.303.
- 16 2. "Animal" means the same as defined in section
17 459.102.
- 18 3. "Animal feeding operation" means the same as
19 defined in section 459.102.
- 20 4. "Animal unit" means the same as defined in
21 section 459.102.
- 22 5. "Animal unit capacity" means a measurement used
23 to determine the maximum number of animal units that
24 may be maintained as part of an open feedlot
25 operation.
- 26 6. "A.S.T.M. international" means the American
27 society for testing and materials international.
- 28 7. "Commission" means the environmental protection
29 commission created pursuant to section 455A.6.
- 30 8. "Department" means the department of natural
31 resources.
- 32 9. "Document" means any form required to be
33 processed by the department under this chapter,
34 including but not limited to applications for permits
35 or related materials as provided in section 459A.205,
36 soils and hydrogeologic reports as provided in section
37 459A.206, construction certifications as provided in
38 section 459A.207, nutrient management plans as
39 provided in section 459A.208, and notices required
40 under this chapter.
- 41 10. "Nutrient management plan" or "plan" means a
42 plan which provides for the management of open feedlot
43 effluent, including the application of effluent as
44 provided in section 459A.208.
- 45 11. "Open feedlot" means a lot, yard, corral,
46 building, or other area used to house animals in
47 conjunction with an open feedlot operation.
- 48 12. "Open feedlot effluent" or "effluent" means a
49 combination of manure, precipitation-induced runoff,
50 or other runoff from an open feedlot before its

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- 1 settleable solids have been removed.
- 2 13. "Open feedlot operation" or "operation" means
3 an unroofed or partially roofed animal feeding
4 operation if crop, vegetation, or forage growth or
5 residue cover is not maintained as part of the animal
6 feeding operation during the period that animals are
7 confined in the animal feeding operation.
- 8 14. "Open feedlot operation structure" means an
9 open feedlot, settled open feedlot effluent basin, a
10 solids settling facility, or an alternative technology

11 system. "Open feedlot operation structure" does not
12 include a manure storage structure as defined in
13 section 459.102.

14 15. "Operating permit" means a permit which
15 regulates the operation of an open feedlot operation
16 as issued by the department or the United States
17 environmental protection agency, including as provided
18 in state law or pursuant to the federal Water
19 Pollution Control Act, Title 33, U.S.C., ch. 126, as
20 amended, and 40 C.F.R., pt. 124.

21 16. "Research college" means an accredited public
22 or private college or university, including but not
23 limited to a university under the control of the state
24 board of regents as provided in chapter 262, or a
25 community college under the jurisdiction of a board of
26 directors for a merged area as provided in chapter
27 260C, if the college or university performs research
28 or experimental activities regarding animal
29 agriculture or agronomy.

30 17. "Settled open feedlot effluent" or "settled
31 effluent" means a combination of manure,
32 precipitation-induced runoff, or other runoff
33 originating from an open feedlot after its settleable
34 solids have been removed.

35 18. "Settleable solids" or "solids" means that
36 portion of open feedlot effluent that meets all of the
37 following requirements:

38 a. The solids do not flow perceptibly under
39 pressure.
40 b. The solids are not capable of being transported
41 through a mechanical pumping device designed to move a
42 liquid.

43 c. The constituent molecules of the solids do not
44 flow freely among themselves but do show the tendency
45 to separate under stress.

46 19. "Settled open feedlot effluent basin" or
47 "basin" means an impoundment which is part of an open
48 feedlot operation, if the primary function of the
49 impoundment is to collect and store settled open
50 feedlot effluent.

Page 3

1 20. "Solids settling facility" means a basin,
2 terrace, diversion, or other structure or solids
3 removal method which is part of an open feedlot
4 operation and which is designed and operated to remove
5 settleable solids from open feedlot effluent. A
6 "solids settling facility" does not include a basin,
7 terrace, diversion, or other structure or solids
8 removal method which retains the liquid portion of
9 open feedlot effluent for more than seven consecutive

10 days following a precipitation event.

11 21. "Water of the state" means the same as defined
12 in section 455B.171.

13 22. "Waters of the United States" means the same
14 as defined in 40 C.F.R., pt. 122, } 2, as that section
15 exists on the effective date of this Act.

16 Sec. 3. NEW SECTION. 459A.103 SPECIAL TERMS.

17 For purposes of this chapter, all of the following
18 shall apply:

19 1. a. Two or more open feedlot operations under
20 common ownership or common management are deemed to be
21 a single open feedlot operation if they are adjacent
22 or utilize a common area or system for open feedlot
23 effluent disposal.

24 b. For purposes of determining whether two or more
25 open feedlot operations are adjacent, all of the
26 following shall apply:

27 (1) At least one open feedlot operation structure
28 must be constructed on or after July 17, 2002.

29 (2) An open feedlot operation structure which is
30 part of one open feedlot operation is separated by
31 less than one thousand two hundred fifty feet from an
32 open feedlot operation structure which is part of the
33 other open feedlot operation.

34 c. For purposes of determining whether two or more
35 open feedlot operations are under common ownership, a
36 person must hold an interest in each of the open
37 feedlot operations as any of the following:

38 (1) A sole proprietor.

39 (2) A joint tenant or tenant in common.

40 (3) A holder of a majority equity interest in a
41 business association as defined in section 202B.102,
42 including but not limited to as a shareholder,
43 partner, member, or beneficiary.

44 An interest in the open feedlot operation under
45 subparagraph (2) or (3) which is held directly or
46 indirectly by the person's spouse or dependent child
47 shall be attributed to the person.

48 d. For purposes of determining whether two or more
49 open feedlot operations are under common management, a
50 person must have significant control of the management

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1 of the day-to-day operations of each of the open
2 feedlot operations. Common management does not
3 include control over a contract livestock facility by
4 a contractor, as defined in section 202.1.

5 2. An open feedlot operation structure is
6 "constructed" when any of the following occurs:

7 a. Excavation commences for a proposed open

8 feedlot operation structure or proposed expansion of

- 9 an existing open feedlot operation structure.
- 10 b. Forms for concrete are installed for a proposed
- 11 open feedlot operation structure or the proposed
- 12 expansion of an existing open feedlot operation
- 13 structure.
- 14 c. Piping for the movement of open feedlot
- 15 effluent is installed within or between open feedlot
- 16 operation structures as proposed or proposed to be
- 17 expanded.
- 18 3. In calculating the animal unit capacity of an
- 19 open feedlot operation, the animal unit capacity shall
- 20 include the animal unit capacity of all open feedlots
- 21 which are part of the open feedlot operation, unless
- 22 an open feedlot has been abandoned as provided in this
- 23 section. The animal unit capacity of an open feedlot
- 24 operation shall not include the animal unit capacity
- 25 of any confinement feeding operation building as
- 26 defined in section 459.102, which is part of the open
- 27 feedlot operation.
- 28 4. An open feedlot operation structure is
- 29 abandoned if the open feedlot operation structure has
- 30 been razed, removed from the site of an open feedlot
- 31 operation, filled in with earth, or converted to uses
- 32 other than an open feedlot operation structure so that
- 33 it cannot be used as an open feedlot operation
- 34 structure without significant reconstruction.
- 35 5. All distances between locations or objects
- 36 provided in this chapter shall be measured in feet
- 37 from their closest points.
- 38 6. The regulation of open feedlot effluent shall
- 39 be construed as also regulating settled open feedlot
- 40 effluent and solids.
- 41 7. "Seasonal high-water table" means the seasonal
- 42 high-water table as determined by a professional
- 43 engineer pursuant to the following requirements:
- 44 a. The seasonal high-water table shall be
- 45 determined by evaluating soil profile characteristics
- 46 such as color and mottling from soil corings, soil
- 47 test pits, or other soil profile evaluation methods,
- 48 water level data from soil corings or other sources,
- 49 and other pertinent information.
- 50 b. If a drainage tile line to artificially lower

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1 the seasonal high-water table is installed as required
 2 by this section, the level to which the seasonal high-
 3 water table will be lowered will be the seasonal high-
 4 water table.

5 Sec. 4. NEW SECTION. 459A.104 GENERAL AUTHORITY
 6 - COMMISSION AND DEPARTMENT - PURPOSE - COMPLIANCE.

7 1. The commission shall establish by rule adopted

8 pursuant to chapter 17A, requirements relating to the
9 construction, including expansion, or operation of
10 open feedlot operations, including related open
11 feedlot operation structures.

12 2. Any provision referring generally to compliance
13 with the requirements of this chapter as applied to
14 open feedlot operations also includes compliance with
15 requirements in rules adopted by the commission
16 pursuant to this section, orders issued by the
17 department as authorized under this chapter, and the
18 terms and conditions applicable to licenses,
19 certifications, permits, or nutrient management plans
20 required under this chapter.

21 3. The purpose of this chapter is to provide
22 requirements relating to the construction, including
23 the expansion, and operation of open feedlot
24 operations, and the control of open feedlot effluent,
25 which shall be construed to supplement applicable
26 provisions of chapter 459. If there is a conflict
27 between the provisions of this chapter and chapter
28 459, the provisions of this chapter shall prevail.
29 Sec. 5. NEW SECTION. 459A.105 EXCEPTION TO
30 REGULATION.

31 1. Except as provided in subsection 2, the
32 requirements of this chapter which regulate open
33 feedlot operations, including rules adopted by the
34 department pursuant to section 459A.104, shall not
35 apply to research activities and experiments performed
36 under the authority and regulations of a research
37 college, if the research activities and experiments
38 relate to an open feedlot operation structure or the
39 disposal or treatment of effluent originating from an
40 open feedlot operation.

41 2. The requirements of section 459A.410, including
42 rules adopted by the department under that section,
43 apply to research activities and experiments performed
44 under the authority and regulations of a research
45 college.

46 SUBCHAPTER II 47 DOCUMENTATION

48 Sec. 6. NEW SECTION. 459A.201 DOCUMENT
49 PROCESSING REQUIREMENTS.

50 1. The department shall adopt and promulgate forms

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1 required to be completed in order to comply with this
2 chapter, including forms for documents that the
3 department shall make available on the internet in the
4 same manner as provided in section 459.302.

5 2. a. The department shall provide for procedures
6 for the receipt, filing, processing, and return of

7 documents in an electronic format in the same manner
8 as provided in section 459.302. The department shall
9 provide for authentication of the documents that may
10 include electronic signatures as provided in chapter
11 554D.

12 b. The department shall to every extent feasible
13 provide for the processing of documents required under
14 this subchapter using electronic systems in the same
15 manner as required in section 459.302.

16 3. a. The department shall approve or disapprove
17 an application for a construction permit as provided
18 in section 459A.205 within sixty days after receiving
19 the permit application. However, the applicant may
20 deliver a notice requesting a continuance. Upon
21 receipt of a notice, the time required for the
22 department to act upon the application shall be
23 suspended for the period provided in the notice, but
24 for not more than thirty days after the department's
25 receipt of the notice. The applicant may submit more
26 than one notice. However, the department may provide
27 that an application is terminated if no action is
28 required by the department for one year following
29 delivery of the application to the department. The
30 department may also provide for a continuance when it
31 considers the application. The department shall
32 provide notice to the applicant of the continuance.
33 The time required for the department to act upon the
34 application shall be suspended for the period provided
35 in the notice, but for not more than thirty days.
36 However, the department shall not provide for more
37 than one continuance.

38 b. A nutrient management plan as provided in
39 section 459A.208 shall be approved or disapproved as
40 part of a construction permit application pursuant to
41 section 459A.205. If the nutrient management plan is
42 not part of an application for a construction permit,
43 the nutrient management plan shall be approved or
44 disapproved within sixty days from the date that the
45 department receives the nutrient management plan.

46 Sec. 7. NEW SECTION. 459A.205 PERMIT
47 REQUIREMENTS – SETTLED OPEN FEEDLOT EFFLUENT BASINS
48 AND ALTERNATIVE TECHNOLOGY SYSTEMS.

49 1. The department shall approve or disapprove
50 applications for permits for the construction,

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1 including the expansion, of settled open feedlot
2 effluent basins and alternative technology systems, as
3 provided in this chapter. The department's decision
4 to approve or disapprove a permit for the construction
5 of a basin or alternative system shall be based on

6 whether the application is submitted according to
7 procedures and standards required by this chapter. A
8 person shall not begin construction of a basin or
9 alternative system requiring a permit under this
10 section, unless the department first approves the
11 person's application and issues to the person a
12 construction permit.

13 2. The department shall issue a construction
14 permit upon approval of an application. The
15 department shall approve the application regardless of
16 whether the applicant is required to be issued a
17 construction permit.

18 3. The department shall not approve an application
19 for a construction permit unless the applicant submits
20 all of the following:

21 a. A nutrient management plan as provided in
22 section 459A.208.

23 b. An engineering report, construction plans, or
24 specifications prepared by a licensed professional
25 engineer or the natural resources conservation service
26 of the United States department of agriculture
27 certifying that the construction of the settled open
28 feedlot effluent basin or alternative technology
29 system complies with the construction design standards
30 required in this chapter.

31 4. An open feedlot operation must be issued a
32 construction permit prior to any of the following:

33 a. The construction, including expansion, of a
34 settled open feedlot effluent basin or alternative
35 technology system if the open feedlot operation is
36 required to be issued an operating permit.

37 b. The department has previously issued the open
38 feedlot operation a construction permit and any of the
39 following applies:

40 (1) The animal unit capacity of the open feedlot
41 operation will be increased to more than the animal
42 unit capacity approved by the department in the
43 previous construction permit.

44 (2) The volume of open feedlot effluent stored at
45 the open feedlot operation would be more than the
46 volume approved by the department in the previous
47 construction permit.

48 (3) The open feedlot operation was discontinued
49 for twenty-four months or more and the animal unit
50 capacity would be one thousand animal units or more.

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1 5. Prior to submitting an application for a
2 construction permit the applicant may submit a
3 conceptual design and site investigation report to the
4 department for review and comment.

- 5 6. The application for the construction permit
6 shall include all of the following:
- 7 a. The name of the owner of the open feedlot
8 operation and the name of the open feedlot operation,
9 including a mailing address and telephone number for
10 the owner and the operation.
- 11 b. The name of the contact person for the open
12 feedlot operation, including the person's mailing
13 address and telephone number.
- 14 c. The location of the open feedlot operation.
- 15 d. A statement providing that the application is
16 for any of the following:
- 17 (1) The construction or expansion of a settled
18 open feedlot effluent basin or alternative technology
19 system for an existing open feedlot operation which is
20 not expanding.
- 21 (2) The construction or expansion of a settled
22 open feedlot effluent basin or alternative technology
23 system for an existing open feedlot operation which is
24 expanding.
- 25 (3) The construction of a settled open feedlot
26 effluent basin or alternative technology system for a
27 proposed new open feedlot operation.
- 28 e. The animal unit capacity for each animal
29 species in the open feedlot operation before and after
30 the proposed construction.
- 31 f. An engineering report, construction plans, and
32 specifications prepared by a licensed professional
33 engineer or by the United States natural resource
34 conservation service, for the settled open feedlot
35 operation effluent basin or alternative technology
36 system.
- 37 g. A soils and hydrogeologic report of the site,
38 as required in section 459A.206.
- 39 h. Information, including but not limited to maps,
40 drawings, and aerial photos that clearly show the
41 location of all of the following:
- 42 (1) The open feedlot operation and all existing
43 and proposed settled open feedlot effluent basins or
44 alternative technology systems, clean water
45 diversions, and other pertinent features or
46 structures.
- 47 (2) Any other open feedlot operation under common
48 ownership or common management and located within one
49 thousand two hundred fifty feet of the open feedlot
50 operation.

- 1 (3) A public water supply system as defined in
2 section 455B.171 or a drinking water well which is
3 located within a distance from the operation as

4 prescribed by rules adopted by the department.
5 i. For an open feedlot operation implementing an
6 alternative technology system as provided in section
7 459A.303, the applicant shall submit all of the
8 following:
9 (1) Information showing that the proposed open
10 feedlot operation meets criteria for siting as
11 established by rules adopted by the department.
12 However, if the site does not meet the criteria, the
13 information shall show substantially equivalent
14 alternatives to meeting such criteria.
15 (2) The results of predictive computer modeling
16 for the proposed alternative technology system to
17 determine suitability of the proposed site for the
18 system and to predict performance of the alternative
19 technology system as compared to the use of a settled
20 open feedlot effluent basin.
21 (3) A conceptual design of the proposed
22 alternative technology system, as developed by a
23 licensed engineer.
24 7. a. Except as provided in paragraph "b", a
25 construction permit for an open feedlot operation
26 expires as follows:
27 (1) If construction does not begin within one year
28 after the date the construction permit is issued.
29 (2) If construction is not completed within three
30 years after the date the construction permit is
31 issued.
32 b. If requested, the department may grant an
33 extension of time to begin or complete construction
34 upon a showing of just cause by the construction
35 permit applicant.
36 8. The department may suspend or revoke a
37 construction permit, modify the terms or conditions of
38 a construction permit, or disapprove a request to
39 extend the time to begin or complete construction as
40 provided in this section, if it determines that the
41 operation of the open feedlot operation constitutes a
42 clear, present, and impending danger to public health
43 or the environment.
44 9. This section does not require a person to
45 obtain a permit to construct a settled open feedlot
46 effluent basin or alternative technology system if the
47 basin or system is part of an open feedlot operation
48 which is owned by a research college conducting
49 research activities as provided in section 459A.105.
50 Sec. 8. NEW SECTION. 459A.206 SETTLED OPEN

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1 FEEDLOT EFFLUENT BASINS – SOILS AND HYDROGEOLOGIC
2 REPORT.

3 A settled open feedlot effluent basin required to
4 be constructed pursuant to a construction permit
5 issued pursuant to section 459A.205 shall meet design
6 standards as required by a soils and hydrogeologic
7 report.

8 The report shall be submitted with the construction
9 permit application as provided in section 459A.205.
10 The report shall include all of the following:

11 1. A description of the steps to determine the
12 soils and hydrogeologic conditions at the proposed
13 construction site, a description of the geologic units
14 encountered, and a description of the effects of the
15 soil and groundwater elevation and direction of flow
16 on the construction and operation of the basin.

17 2. The subsurface soil classification of the site.
18 A subsurface soil classification shall be based on
19 A.S.T.M international designation D-2487-92 or D-
20 2488-90.

21 3. The results of at least three soil corings
22 reflecting the continuous soil profile taken for each
23 basin. The soil corings shall be taken and used in
24 determining subsurface soil characteristics and
25 groundwater elevation and direction of flow of the
26 proposed site for construction. The soil corings
27 shall be taken as follows:

28 a. By a qualified person ordinarily engaged in the
29 practice of taking soil cores and in performing soil
30 testing.

31 b. At locations that reflect the continuous soil
32 profile conditions existing within the area of the
33 proposed basin, including conditions found near the
34 corners and the deepest point of the proposed basin.
35 The soil corings shall be taken to a minimum depth of
36 ten feet below the bottom elevation of the basin.

37 c. By a method such as hollow stem auger or other
38 method that identifies the continuous soil profile and
39 does not result in the mixing of soil layers.

40 Sec. 9. NEW SECTION. 459A.207 CONSTRUCTION
41 CERTIFICATION.

42 1. The owner of an open feedlot operation who is
43 issued a construction permit for a settled open
44 feedlot effluent basin as provided in section 459A.205
45 after the effective date of this Act shall submit to
46 the department a construction certification from a
47 licensed professional engineer certifying all of the
48 following:

49 a. The basin was constructed in accordance with
50 the design plans submitted to the department as part

2 to section 459A.205. If the actual construction
3 deviates from the approved design plans, the
4 construction certification shall identify all changes
5 and certify that the changes were consistent with all
6 applicable standards of this section.

7 b. The basin was inspected by the licensed
8 professional engineer after completion of construction
9 and before commencement of operation.

10 2. A written record of an investigation for tile
11 lines, including the findings of the investigation and
12 actions taken to comply with subchapter III, shall be
13 submitted as part of the construction certification.

14 Sec. 10. NEW SECTION. 459A.208 NUTRIENT
15 MANAGEMENT PLAN – REQUIREMENTS.

16 1. The owner of an open feedlot operation which
17 has an animal unit capacity of one thousand animal
18 units or more or which is required to be issued an
19 operating permit shall develop and maintain a nutrient
20 management plan meeting the requirements of this
21 section by December 31, 2006.

22 2. Not more than one open feedlot operation shall
23 be covered by a single nutrient management plan.

24 3. A person shall not remove open feedlot effluent
25 from an open feedlot operation structure which is part
26 of an open feedlot operation for which a nutrient
27 management plan is required under this section, unless
28 the department approves a nutrient management plan as
29 required in this section. The department may adopt
30 rules allowing a person to remove open feedlot
31 effluent from an open feedlot operation structure
32 until the nutrient management plan is approved or
33 disapproved by the department according to terms and
34 conditions required by rules adopted by the
35 department.

36 4. The department shall not approve an application
37 for a permit to construct a settled open feedlot
38 effluent basin unless the owner of the open feedlot
39 operation applying for approval submits a nutrient
40 management plan together with the application for the
41 construction permit as provided in section 459A.205.
42 The owner shall also submit proof that the owner has
43 published a notice for public comment as provided in
44 this section. The department shall approve or
45 disapprove the nutrient management plan as provided in
46 section 459A.201. A nutrient management plan using an
47 alternative technology system shall not include
48 requirements for settled effluent that enters the
49 alternative technology system.

50 5. Prior to approving or disapproving a nutrient

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- 1 management plan as required in this section, the
2 department may receive comments exclusively to
3 determine whether the nutrient management plan is
4 submitted according to procedures required by the
5 department and that the nutrient management plan
6 complies with the provisions of this chapter.
- 7 a. The owner of the open feedlot operation shall
8 publish a notice for public comment in a newspaper
9 having a general circulation in the county where the
10 open feedlot operation is or is proposed to be located
11 and in the county where open feedlot effluent, which
12 originates from the open feedlot operation, may be
13 applied under the terms and conditions of the nutrient
14 management plan.
- 15 b. The notice for public comment shall include all
16 of the following:
- 17 (1) The name of the owner of the open feedlot
18 operation submitting the nutrient management plan.
- 19 (2) The name of the township where the open
20 feedlot operation is or is proposed to be located and
21 the name of the township where open feedlot effluent
22 originating from the open feedlot operation may be
23 applied.
- 24 (3) The animal unit capacity of the open feedlot
25 operation.
- 26 (4) The time when and the place where the nutrient
27 management plan may be examined as provided in section
28 22.2.
- 29 (5) Procedures for providing public comment to the
30 department. The notice shall also include procedures
31 for requesting a public hearing conducted by the
32 department. The department is not required to conduct
33 a public hearing if it does not receive a request for
34 the public hearing within ten days after the first
35 publication of the notice for public comment as
36 provided in this subsection. If such a request is
37 received, the public hearing must be conducted within
38 thirty days after the first date that the notice for
39 public comment was published.
- 40 (6) A statement that a person may acquire
41 information relevant to making comments under this
42 subsection by accessing the department's internet
43 website. The notice for public comment shall include
44 the address of the department's internet website as
45 required by the department.
- 46 c. The department shall maintain an internet
47 website where persons may access information relevant
48 to making comments under this subsection. The
49 department may include an electronic version of the
50 nutrient management plan as provided in section

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1 459A.201. The department shall include information
2 regarding the time when, the place where, and the
3 manner in which persons may participate in a public
4 hearing as provided in this subsection.

5 6. A nutrient management plan must be
6 authenticated by the owner of the animal feeding
7 operation as required by the department in accordance
8 with section 459A.201.

9 7. A nutrient management plan shall include all of
10 the following:

11 a. Restrictions on the application of open feedlot
12 effluent based on all of the following:

13 (1) Calculations necessary to determine the land
14 area required for the application of open feedlot
15 effluent from an open feedlot operation based on
16 nitrogen use levels in order to obtain optimum crop
17 yields according to a crop schedule specified in the
18 nutrient management plan, and according to
19 requirements adopted by the department.

20 (2) A phosphorus index established pursuant to
21 section 459.312.

22 b. Information relating to the application of the
23 open feedlot effluent, including all of the following:

24 (1) Nutrient levels of the open feedlot effluent.

25 (2) Application methods, the timing of the
26 application, and the location of the land where the
27 application occurs.

28 c. If the application is on land other than land
29 owned or rented for crop production by the owner of
30 the open feedlot operation, the plan shall include a
31 copy of each written agreement executed by the owner
32 of the open feedlot operation and the landowner or the
33 person renting the land for crop production where the
34 open feedlot effluent may be applied.

35 d. An estimate of the open feedlot effluent volume
36 or weight produced by the open feedlot operation.

37 e. Information which shows all of the following:

38 (1) There is adequate storage for open feedlot
39 effluent, including procedures to ensure proper
40 operation and maintenance of the storage structures.

41 (2) The proper management of animal mortalities to
42 ensure that animals are not disposed of in an open
43 feedlot operation structure or a treatment system that
44 is not specifically designed to treat animal
45 mortalities.

46 (3) Surface drainage prior to contact with an open
47 feedlot structure is diverted, as appropriate, from
48 the open feedlot operation.

49 (4) Animals kept in the open feedlot operation do
50 not have direct contact with any waters of the United

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1 States.

2 (5) Chemicals or other contaminants handled on-
3 site are not disposed of in an open feedlot operation
4 structure or a treatment system that is not
5 specifically designed to treat such chemicals or
6 contaminants.

7 8. If an open feedlot operation uses an
8 alternative technology system as provided in section
9 459A.303, the nutrient management plan is not required
10 to provide for settled effluent that enters the
11 alternative technology system.

12 9. The owner of an open feedlot operation who is
13 required to develop and maintain a nutrient management
14 plan shall maintain a current nutrient management plan
15 and maintain records sufficient to demonstrate
16 compliance with the nutrient management plan. Chapter
17 22 shall not apply to the records which shall be kept
18 confidential by the department and its agents and
19 employees. The contents of the records are not
20 subject to disclosure except as follows:

21 a. Upon waiver by the owner of the open feedlot
22 operation.

23 b. In a contested case proceeding commenced under
24 chapter 17A. Notwithstanding section 17A.19, the
25 proceeding shall be closed.

26 c. When required by subpoena or court order.

27 10. The owner of an open feedlot operation who is
28 found in violation of the terms and conditions of the
29 nutrient management plan shall not be subject to an
30 enforcement action other than the assessment of a
31 civil penalty pursuant to section 459A.502.

32 SUBCHAPTER III

33 DESIGN STANDARDS AND CONSTRUCTION REQUIREMENTS

34 Sec. 11. NEW SECTION. 459A.301 SETTLED OPEN 35 FEEDLOT EFFLUENT BASINS – CONSTRUCTION DESIGN 36 STANDARDS – RULES.

37 If the department requires that a settled open
38 feedlot effluent basin be constructed according to
39 construction design standards, regardless of whether
40 the department requires the owner to be issued a
41 construction permit under section 459A.205, any
42 construction design standards for the basin shall be
43 established by rules as provided in chapter 17A that
44 exclusively account for special design characteristics
45 of open feedlot operations and related basins,
46 including but not limited to the dilute composition of
47 settled open feedlot effluent as collected and stored
48 in the basins.

49 Sec. 12. NEW SECTION. 459A.302 SETTLED OPEN 50 FEEDLOT EFFLUENT BASINS – CONSTRUCTION REQUIREMENTS.

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- 1 A settled open feedlot effluent basin required to
2 be constructed pursuant to a construction permit
3 issued pursuant to section 459A.205 shall meet all of
4 the following requirements:
- 5 1. a. Prior to constructing a settled open
6 feedlot effluent basin, the site for the basin shall
7 be investigated for a drainage tile line by the owner
8 of the open feedlot operation. The investigation
9 shall be made by digging a core trench to a depth of
10 at least six feet deep from ground level at the
11 projected center of the berm of the basin. If a
12 drainage tile line is discovered, one of the following
13 solutions shall be implemented:
- 14 (1) The drainage tile line shall be rerouted
15 around the perimeter of the basin at a distance of
16 least twenty-five feet horizontally separated from the
17 basin.
- 18 (2) The drainage tile line shall be replaced with
19 a nonperforated tile line under the basin floor. The
20 nonperforated tile line shall not be a drainage tile
21 line. There must be a minimum of three feet between
22 the tile line and the basin floor.
- 23 b. A written record of the investigation shall be
24 submitted as part of the construction certification
25 required under section 459A.207.
- 26 2. a. The settled open feedlot effluent basin
27 shall be constructed with a minimum separation of two
28 feet between the top of the liner of the basin and the
29 seasonal high-water table.
- 30 b. If a drainage tile line around the perimeter of
31 the basin is installed a minimum of two feet below the
32 top of the basin liner to artificially lower the
33 seasonal high-water table, the top of the basin's
34 liner may be a maximum of four feet below the seasonal
35 high-water table. The seasonal high-water table may
36 be artificially lowered by gravity flow tile lines, a
37 nongravity mechanical system that uses pumping
38 equipment, or other similar system.
- 39 3. Drainage tile may be installed to artificially
40 lower the seasonal high-water table at a settled open
41 feedlot effluent basin, if all of the following
42 conditions are satisfied:
- 43 a. A device to allow monitoring of the water in
44 the drainage tile lines and a device to allow shutoff
45 of the flow in the drainage tile lines are installed,
46 if the drainage tile lines do not have a surface
47 outlet accessible on the property where the settled
48 open feedlot effluent basin is located.
- 49 b. Drainage tile lines are installed horizontally
50 at least twenty-five feet away from the settled open

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1 feedlot effluent basin. Drainage tile lines shall be
2 placed in a vertical trench and encased in granular
3 material which extends upward to the level of the
4 seasonal high-water table.

5 4. A settled open feedlot effluent basin shall be
6 constructed with at least four feet between the bottom
7 of the basin and a bedrock formation.

8 5. A settled open feedlot effluent basin
9 constructed on a floodplain or within a floodway of a
10 river or stream shall comply with rules of the
11 department.

12 6. The liner of a settled open feedlot effluent
13 basin shall comply with all of the following:

14 a. The liner shall comply with any of the
15 following permeability standards:

16 (1) The liner shall be constructed to have a
17 percolation rate that shall not exceed one-sixteenth
18 inch per day at the design depth of the basin as
19 determined by percolation tests conducted by the
20 professional engineer. If a clay soil liner is used,
21 the liner shall be constructed with a minimum
22 thickness of twelve inches or the minimum thickness
23 necessary to comply with the percolation rate in this
24 section, whichever is greater.

25 (2) The liner shall be constructed at optimum
26 moisture content not less than ninety-five percent of
27 the maximum density as determined by a standard five-
28 point proctor test performed at the site of the open
29 feedlot operation by a professional engineer. If a
30 clay soil liner is used, the liner shall be
31 constructed with a minimum thickness of twelve inches.

32 b. If a synthetic liner is used, the liner shall
33 be installed to comply with the percolation rate
34 required in this section.

35 7. The owner of an open feedlot operation using a
36 settled open feedlot effluent basin shall inspect the
37 berms of the basin at least semiannually for evidence
38 of erosion. If the inspection reveals erosion which
39 may impact the basin's structural stability or the
40 integrity of the basin's liner, the owner shall repair
41 the berms.

42 Sec. 13. NEW SECTION. 459A.303 ALTERNATIVE
43 TECHNOLOGY SYSTEMS.

44 In lieu of using a settled open feedlot effluent
45 basin as provided in section 459A.302 to meet the open
46 feedlot effluent control requirements of section
47 459A.401, an open feedlot operation may use an
48 alternative technology system for open feedlot
49 effluent control that provides an equivalent level of
50 open feedlot effluent control that would be achieved

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1 by using a settled open feedlot effluent basin. The
2 department shall adopt rules establishing requirements
3 for the construction and operation of alternative
4 technology systems. The owner of the open feedlot
5 operation shall only use an alternative technology
6 system which includes the installation of a water
7 pollution monitoring system. The owner shall operate
8 the water pollution monitoring system for two years
9 after its installation. After that date, if the
10 monitoring demonstrates compliance with the
11 requirement of this section, the owner may discontinue
12 monitoring. If the monitoring does not demonstrate
13 compliance with the requirement of this section, the
14 department may require an additional monitoring
15 period.

16 SUBCHAPTER IV

17 OPEN FEEDLOT EFFLUENT CONTROL

18 Sec. 14. **NEW SECTION.** 459A.401 OPEN FEEDLOT
19 EFFLUENT CONTROL METHODS.

20 An open feedlot operation shall provide for the
21 management of open feedlot effluent by using an open
22 feedlot effluent control method as follows:

23 1. All settleable solids from open feedlot
24 effluent shall be removed prior to discharge into the
25 waters of the state.

26 a. The settleable solids shall be removed by use
27 of a solids settling facility. The construction of a
28 solids settling facility is not required where
29 existing site conditions provide for removal of
30 settleable solids prior to discharge into the waters
31 of the state.

32 b. The removal of settleable solids shall be
33 deemed to have occurred when the velocity of flow of
34 the open feedlot effluent has been reduced to less
35 than point five feet per second for a minimum of five
36 minutes. A solids settling facility shall have
37 sufficient capacity to store settled solids between
38 periods of land application and to provide required
39 flow-velocity reduction for open feedlot effluent flow
40 volumes resulting from a precipitation event of less
41 intensity than a ten-year, one-hour frequency event.
42 A solids settling facility which receives open feedlot
43 effluent shall provide a minimum of one square foot of
44 surface area for each eight cubic feet of open feedlot
45 effluent per hour resulting from a ten-year, one-hour
46 frequency precipitation event.

47 2. The following shall apply to an open feedlot
48 operation which has an animal unit capacity of one
49 thousand animal units or more:

50 a. Except as provided in this paragraph, the open

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1 feedlot operation shall not discharge open feedlot
2 effluent from an open feedlot operation structure into
3 any waters of the United States. An open feedlot
4 operation may discharge open feedlot effluent into any
5 waters of the United States due to a precipitation
6 event, if any of the following apply:

7 (1) For an open feedlot operation that houses
8 cattle, other than veal cattle, the operation is
9 designed, constructed, operated, and maintained to not
10 discharge open feedlot effluent resulting from a
11 twenty-five-year, twenty-four-hour precipitation event
12 into any waters of the United States.

13 (2) For an open feedlot operation that houses veal
14 calves, swine, chickens, or turkeys, the operation is
15 designed, constructed, operated, and maintained to not
16 discharge open feedlot effluent resulting from a one-
17 hundred-year, twenty-four-hour precipitation event
18 into any waters of the United States.

19 b. If the open feedlot operation is designed,
20 constructed, and operated in accordance with the
21 requirements of an open feedlot effluent control
22 system as provided in rules adopted by the department,
23 the operation shall be deemed to be in compliance with
24 this section, unless a discharge from the operation
25 causes a violation of state water quality standards as
26 provided in chapter 455B, division III.

27 c. The open feedlot operation shall not be
28 required to be issued an operating permit if the
29 operation does not discharge open feedlot effluent
30 into any waters of the United States.

31 d. The control of open feedlot effluent
32 originating from the open feedlot operation may be
33 accomplished by the use of a solids settling facility,
34 settled open feedlot effluent basin, alternative
35 technology system, or any other open feedlot effluent
36 control structure or practice approved by the
37 department. The department may require the diversion
38 of surface drainage prior to contact with an open
39 feedlot operation structure. Solids shall be settled
40 from open feedlot effluent before the effluent enters
41 a settled open feedlot effluent basin or alternative
42 technology system.

43 Sec. 15. NEW SECTION. 459A.402 OPEN FEEDLOT
44 EFFLUENT CONTROL – ALTERNATIVE CONTROL PRACTICES.

45 If because of topography or other factors related
46 to the site of an open feedlot operation it is
47 economically or physically impractical to comply with
48 open feedlot effluent control requirements using an
49 open feedlot control method in section 459A.401, the
50 department shall allow the use of other open feedlot

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1 effluent control practices if those practices will
2 provide an equivalent level of open feedlot effluent
3 control that would be achieved by using an open
4 feedlot effluent control method pursuant to section
5 459A.401.

6 Sec. 16. NEW SECTION. 459A.410 EFFLUENT
7 APPLICATION REQUIREMENTS.

8 Open feedlot effluent shall be applied in a manner
9 which does not cause surface water or groundwater
10 pollution. Application in accordance with the
11 provisions of state law, including this chapter, rules
12 adopted pursuant to the provisions of state law,
13 including this chapter, and guidelines adopted
14 pursuant to this chapter, shall be deemed as
15 compliance with this section.

16 Sec. 17. NEW SECTION. 459A.411 DISCONTINUANCE OF
17 OPERATIONS.

18 The owner of an open feedlot operation who
19 discontinues the use of the operation shall remove all
20 open feedlot effluent from related open feedlot
21 operation structures used to store open feedlot
22 effluent, as soon as practical but not later than six
23 months following the date the open feedlot operation
24 is discontinued.

25 SUBCHAPTER V
26 ENFORCEMENT

27 Sec. 18. NEW SECTION. 459A.501 GENERAL.

28 The department and the attorney general shall
29 enforce the provisions of this chapter in the same
30 manner as provided in chapter 455B, division I, unless
31 otherwise provided in this chapter.

32 Sec. 19. NEW SECTION. 459A.502 VIOLATIONS -
33 CIVIL PENALTY.

34 A person who violates this chapter shall be subject
35 to a civil penalty which shall be established,
36 assessed, and collected in the same manner as provided
37 in section 455B.191. Any civil penalty collected and
38 interest on a civil penalty shall be deposited in the
39 animal agriculture compliance fund created in section
40 459.401. A person shall not be subject to a penalty
41 under this section and a penalty under section 459.603
42 for the same violation.

43 DIVISION II

44 CONFORMING AMENDMENTS

45 Sec. 20. Section 455B.103, subsections 3 and 4,
46 Code 2005, are amended to read as follows:

47 3. Contract, with the approval of the commission,
48 with public agencies of this state to provide all
49 laboratory, scientific field measurement and
50 environmental quality evaluation services necessary to

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1 implement the provisions of this chapter, ~~and~~ chapter
2 459, ~~subchapters II and III and~~ chapter 459A. If the
3 director finds that public agencies of this state
4 cannot provide the laboratory, scientific field
5 measurement and environmental evaluation services
6 required by the department, the director may contract,
7 with the approval of the commission, with any other
8 public or private persons or agencies for such
9 services or for scientific or technical services
10 required to carry out the programs and services
11 assigned to the department.

12 4. Conduct investigations of complaints received
13 directly or referred by the commission created in
14 section 455A.6 or other investigations deemed
15 necessary. While conducting an investigation, the
16 director may enter at any reasonable time in and upon
17 any private or public property to investigate any
18 actual or possible violation of this chapter, ~~or~~
19 chapter 459, ~~subchapters II and III, chapter 459A, or~~
20 the rules or standards adopted under this chapter, ~~or~~
21 chapter 459, ~~subchapters II and III or~~ chapter 459A.
22 However, the owner or person in charge shall be
23 notified.

24 Sec. 21. Section 455B.103A, subsection 1,
25 unnumbered paragraph 1, Code 2005, is amended to read
26 as follows:

27 If a permit is required pursuant to this chapter,
28 ~~or~~ chapter 459, ~~or~~ chapter 459A for stormwater
29 discharge or an air contaminant source and a facility
30 to be permitted is representative of a class of
31 facilities which could be described and conditioned by
32 a single permit, the director may issue, modify, deny,
33 or revoke a general permit for all of the following
34 conditions:

35 Sec. 22. Section 455B.103A, subsection 5, Code
36 2005, is amended to read as follows:

37 5. The enforcement provisions of division II of
38 this chapter and chapter 459, subchapter II, apply to
39 general permits for air contaminant sources. The
40 enforcement provisions of division III, part 1, of
41 this chapter, ~~and~~ chapter 459, subchapter III, ~~and~~
42 chapter 459A apply to general permits for stormwater
43 discharge.

44 Sec. 23. Section 455B.105, subsections 3, 6, and
45 8, Code 2005, are amended to read as follows:

46 3. Adopt, modify, or repeal rules necessary to
47 implement this chapter, ~~and~~ chapter 459, ~~and~~ chapter
48 459A, and the rules deemed necessary for the effective
49 administration of the department. When the commission
50 proposes or adopts rules to implement a specific

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1 federal environmental program and the rules impose
2 requirements more restrictive than the federal program
3 being implemented requires, the commission shall
4 identify in its notice of intended action or adopted
5 rule preamble each rule that is more restrictive than
6 the federal program requires and shall state the
7 reasons for proposing or adopting the more restrictive
8 requirement. In addition, the commission shall
9 include with its reasoning a financial impact
10 statement detailing the general impact upon the
11 affected parties. It is the intent of the general
12 assembly that the commission exercise strict oversight
13 of the operations of the department. The rules shall
14 include departmental policy relating to the disclosure
15 of information on a violation or alleged violation of
16 the rules, standards, permits or orders issued by the
17 department and keeping of confidential information
18 obtained by the department in the administration and
19 enforcement of this chapter, ~~and chapter 459, and~~
20 chapter 459A. Rules adopted by the executive
21 committee before January 1, 1981, shall remain
22 effective until modified or rescinded by action of the
23 commission.

24 6. Approve all contracts and agreements under this
25 chapter, ~~and chapter 459, and chapter 459A~~ between the
26 department and other public or private persons or
27 agencies.

28 8. Hold public hearings, except when the evidence
29 to be received is confidential pursuant to this
30 chapter, chapter 22, ~~or chapter 459, or chapter 459A~~,
31 necessary to carry out its powers and duties. The
32 commission may issue subpoenas requiring the
33 attendance of witnesses and the production of evidence
34 pertinent to the hearings. A subpoena shall be issued
35 and enforced in the same manner as provided in civil
36 actions.

37 Sec. 24. Section 455B.105, subsection 11,
38 paragraph a, unnumbered paragraph 1, Code 2005, is
39 amended to read as follows:

40 Adopt, by rule, procedures and forms necessary to
41 implement the provisions of this chapter, ~~and chapter~~
42 ~~459, and chapter 459A~~ relating to permits, conditional
43 permits, and general permits. The commission may also
44 adopt, by rule, a schedule of fees for permit and
45 conditional permit applications and a schedule of fees
46 which may be periodically assessed for administration
47 of permits and conditional permits. In determining
48 the fee schedules, the commission shall consider:

49 Sec. 25. Section 455B.109, subsection 4, Code
50 2005, is amended to read as follows:

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1 4. a. All Except as provided in paragraph "b",
2 civil penalties assessed by the department and
3 interest on the penalties shall be deposited in the
4 general fund of the state. However, civil

5 b. The following provisions shall apply to animal
6 feeding operations:

7 (1) Civil penalties assessed by the department and
8 interest on the civil penalties, arising out of
9 violations involving animal feeding operations under
10 chapter 459, subchapter II, shall be deposited in the
11 animal agriculture compliance fund as created in
12 section 459.401.

13 (2) Civil penalties assessed by the department and
14 interest on the penalties arising out of violations
15 committed by animal feeding operations under chapter
16 459, subchapter III, which may be assessed pursuant to
17 section 455B.191 or 459.604, shall also be deposited
18 in the animal agriculture compliance fund.

19 (3) Civil penalties assessed by the department and
20 interest on the civil penalties, arising out of
21 violations involving open feedlot operations under
22 chapter 459A, shall be deposited in the animal
23 agriculture compliance fund as created in section
24 459.401.

25 Sec. 26. Section 455B.111, subsection 1,
26 paragraphs a and b, Code 2005, are amended to read as
27 follows:

28 a. A person, including the state of Iowa, for
29 violating any provision of this chapter; ~~or~~ chapter
30 459, subchapters I, II, III, IV, and VI; ~~chapter~~
31 ~~459A~~; or a rule adopted pursuant to this chapter; ~~or~~
32 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~
33 ~~chapter 459A~~.

34 b. The director, the commission, or any official
35 or employee of the department where there is an
36 alleged failure to perform any act or duty under this
37 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
38 and VI; ~~chapter 459A~~; or a rule adopted pursuant to
39 this chapter; ~~or~~ chapter 459, subchapters I, II, III,
40 IV, and VI; ~~or~~ ~~chapter 459A~~, which is not a
41 discretionary act or duty.

42 Sec. 27. Section 455B.111, subsection 5, Code
43 2005, is amended to read as follows:

44 5. This section does not restrict any right under
45 statutory or common law of a person or class of person
46 to seek enforcement of provisions of this chapter; ~~or~~
47 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~
48 ~~chapter 459A~~; or a rule adopted pursuant to this
49 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
50 and VI; ~~or~~ ~~chapter 459A~~, or seek other relief

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1 permitted under the law.

2 Sec. 28. Section 455B.112, Code 2005, is amended
3 to read as follows:

4 455B.112 ACTIONS BY ATTORNEY GENERAL.

5 In addition to the duty to commence legal
6 proceedings at the request of the director or
7 commission under this chapter; ~~or~~ chapter 459,
8 subchapters I, II, III, IV, and VI; or chapter 459A
9 the attorney general may institute civil or criminal
10 proceedings, including an action for injunction, to
11 enforce the provisions of this chapter; ~~or~~ chapter
12 459, subchapters I, II, III, IV, and VI; or chapter
13 459A including orders or permits issued or rules
14 adopted under this chapter; ~~or~~ chapter 459,
15 subchapters I, II, III, IV, and VI; or chapter 459A.

16 Sec. 29. Section 455B.113, subsection 1, Code
17 2005, is amended to read as follows:

18 1. The director shall certify laboratories which
19 perform laboratory analyses of samples required to be
20 submitted by the department by this chapter; ~~or~~
21 chapter 459, subchapters I, II, III, IV, and VI; or
22 chapter 459A, or by rules adopted in accordance with
23 this chapter; ~~or~~ chapter 459, subchapters I, II, III,
24 IV, and VI; or chapter 459A; or by permits or orders
25 issued under this chapter; ~~or~~ chapter 459, subchapters
26 I, II, III, IV, and VI; or chapter 459A.

27 Sec. 30. Section 455B.115, Code 2005, is amended
28 to read as follows:

29 455B.115 ANALYSIS BY CERTIFIED LABORATORY
30 REQUIRED.

31 Laboratory analysis of samples as required by this
32 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
33 and VI; or chapter 459A; or by rules adopted, or by
34 permits or orders issued pursuant to this chapter; ~~or~~
35 chapter 459, subchapters I, II, III, IV, and VI; or
36 chapter 459A shall be conducted by a laboratory
37 certified by the director as having the necessary
38 competence, equipment, and capabilities to perform the
39 analysis. Analytical results from laboratories not
40 certificated shall not be accepted by the director.

41 Sec. 31. Section 455B.179, Code 2005, is amended
42 to read as follows:

43 455B.179 TRADE SECRETS PROTECTED.

44 Upon a satisfactory showing by any person to the
45 director that public disclosure of any record, report,
46 permit, permit application, or other document or
47 information or part thereof would divulge methods or
48 processes entitled to protection as a trade secret,
49 any such record, report, permit, permit application,
50 or other document or part thereof other than effluent

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1 data and analytical results of monitoring of public
2 water supply systems, shall be accorded confidential
3 treatment. Notwithstanding the provisions of chapter
4 22, a person in connection with duties or employment
5 by the department shall not make public any
6 information accorded confidential status; however, any
7 such record or other information accorded confidential
8 status may be disclosed or transmitted to other
9 officers, employees, or authorized representatives of
10 this state or the United States concerned with
11 carrying out this part of this division; ~~or chapter~~
12 ~~459, subchapter III, or chapter 459A;~~ or when relevant
13 in any proceeding under this part of this division; ~~or~~
14 ~~chapter 459, subchapter III; or chapter 459A.~~

15 Sec. 32. Section 455B.182, Code 2005, is amended
16 to read as follows:

17 455B.182 FAILURE CONSTITUTES CONTEMPT.

18 Failure to obey any order issued by the department
19 with reference to a violation of this part of this
20 division; ~~or chapter 459, subchapter III;~~ or chapter
21 459A; or any rule promulgated or permit issued
22 pursuant thereto shall constitute prima facie evidence
23 of contempt. In such event the department may certify
24 to the district court of the county in which such
25 alleged disobedience occurred the fact of such
26 failure. The district court after notice, as
27 prescribed by the court, to the parties in interest
28 shall then proceed to hear the matter and if it finds
29 that the order was lawful and reasonable it shall
30 order the party to comply with the order. If the
31 person fails to comply with the court order, that
32 person shall be guilty of contempt and shall be fined
33 not to exceed five hundred dollars for each day that
34 the person fails to comply with the court order. The
35 penalties provided in this section shall be considered
36 as additional to any penalty which may be imposed
37 under the law relative to nuisances or any other
38 statute relating to the pollution of any waters of the
39 state or related to public water supply systems and a
40 conviction under this section shall not be a bar to
41 prosecution under any other penal statute.

42 Sec. 33. Section 455B.185, Code 2005, is amended
43 to read as follows:

44 455B.185 DATA FROM DEPARTMENTS.

45 The commission and the director may request and
46 receive from any department, division, board, bureau,
47 commission, public body, or agency of the state, or of
48 any political subdivision thereof, or from any
49 organization, incorporated or unincorporated, which
50 has for its object the control or use of any of the

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1 water resources of the state, such assistance and data
2 as will enable the commission or the director to
3 properly carry out their activities and effectuate the
4 purposes of this part 1 of division III; ~~and chapter~~
5 ~~459, subchapter III; or chapter 459A.~~ The department
6 shall reimburse such agencies for special expense
7 resulting from expenditures not normally a part of the
8 operating expenses of any such agency.

9 Sec. 34. Section 459.102, subsection 2, paragraph
10 a, Code 2005, is amended to read as follows:

11 a. A settled open feedlot effluent basin ~~that~~
12 ~~collects and stores only precipitation induced runoff~~
13 ~~from an open feedlot as defined in section 459A.102.~~

14 Sec. 35. Section 459.102, subsections 37, 45, and
15 46, Code 2005, are amended by striking the
16 subsections.

17 Sec. 36. Section 459.401, subsection 2, paragraph
18 a, subparagraph (5), Code 2005, is amended to read as
19 follows:

20 (5) The collection of civil penalties assessed by
21 the department and interest on civil penalties,
22 arising out of violations involving animal feeding
23 operations as provided in sections 459.602, ~~and~~
24 ~~459.603, and 459A.502.~~

25 Sec. 37. Section 459.309, Code 2005, is repealed."

Struyk of Pottawattamie offered the following amendment
H-1363, to amendment H-1319, filed by him and moved its adoption:

H-1363

1 Amend the amendment, H-1319, to House File 805, as
2 follows:

3 1. Page 1, line 26, by striking the word

4 "A.S.T.M." and inserting the following: "ASTM".

5 2. Page 4, by striking lines 20 through 24, and
6 inserting the following: "not include the animal unit
7 capacity".

8 3. Page 7, line 23, by striking the words "plans,
9 or" and inserting the following: "plans, and".

10 4. Page 9, line 45, by striking the word "obtain"
11 and inserting the following: "be issued".

12 5. Page 10, line 19, by striking the word

13 "A.S.T.M." and inserting the following: "ASTM".

14 6. Page 11, line 10, by inserting before the word
15 "tile" the following: "drainage".

16 7. Page 11, line 19, by striking the word

17 "maintain" and inserting the following: "implement".

18 8. Page 14, line 13, by striking the word

19 "maintain" and inserting the following: "implement".

20 9. Page 14, by striking lines 16 through 31, and
21 inserting the following: "compliance with the
22 nutrient management plan."

23 10. Page 15, line 22, by inserting before the
24 word "tile" the following: "nonperforated".

25 11. Page 15, line 39, by inserting after the word
26 "tile" the following: "lines".

27 12. By striking page 16, line 49, through page
28 17, line 1, and inserting the following: "effluent
29 control.

30 1. The alternative technology system must provide
31 an equivalent level of open feedlot effluent control
32 as would be achieved by using a settled open feedlot
33 effluent basin.

34 2. The".

35 13. Page 17, by striking line 4, and inserting
36 the following: "technology systems.

37 3. The owner of the open feedlot".

38 14. Page 17, by striking lines 9 through 12, and
39 inserting the following: "after its installation. If
40 the department requires the owner of the open feedlot
41 operation to be issued an operating permit, the owner
42 shall continue to record amounts of settled open
43 feedlot effluent exiting the alternative technology
44 system after the expiration of the two-year period
45 pursuant to the terms and conditions of the operating
46 permit. If the monitoring does not demonstrate".

47 15. By striking page 17, line 47, through page 18
48 line 3, and inserting the following:

49 "2. This subsection shall apply to an open feedlot
50 operation which is required to be issued an operating

Page 2

1 permit.

2 a. An open feedlot".

3 16. Page 18, by inserting after line 26, the
4 following:

5 "3. The following shall apply to an open feedlot
6 operation which has an animal unit capacity of one
7 thousand animal units or more:

8 a. (1) The open feedlot operation shall not
9 discharge open feedlot effluent from an open feedlot
10 operation structure into any waters of the United
11 States, unless the discharge is pursuant to an
12 operating permit."

13 17. Page 18, line 27, by striking the word "c."
14 and inserting the following: "(2)".

15 18. Page 18, line 31, by striking the word "d."
16 and inserting the following: "b."

17 19. By renumbering as necessary.

Amendment H-1363 was adopted.

Struyk of Pottawattamie offered amendment H-1381, to amendment H-1319, filed by him as follows:

H-1381

1 Amend the amendment, H-1319, to House File 805, as
2 follows:

3 1. Page 25, by inserting after line 25, the
4 following:

5 "DIVISION III
6 AGRICULTURAL PRODUCTION LIENS

7 Sec. __. Section 579A.2, subsection 3, paragraph
8 b, Code 2005, is amended to read as follows:

9 b. The lien terminates one year after the cattle
10 have left the custom cattle feedlot. ~~Section 554.9515~~
11 ~~shall not apply to a financing statement perfecting~~
12 ~~the lien.~~ The lien may be terminated by the custom
13 cattle feedlot operator who files a termination
14 statement as provided in chapter 554, article 9.

15 Sec. __. Section 579B.4, subsection 1, paragraph
16 b, Code 2005, is amended to read as follows:

17 b. For a lien arising out of producing a crop, the
18 lien becomes effective the day that the crop is first
19 planted. In order to perfect the lien, the contract
20 producer must file a financing statement in the office
21 of the secretary of state as provided in section
22 554.9308. The contract producer must file a financing
23 statement for the crop within forty-five days after
24 the crop is first planted. The lien terminates one
25 year after the crop is no longer under the authority
26 of the contract producer. For purposes of this
27 section, a crop is no longer under the authority of
28 the contract producer when the crop or a warehouse
29 receipt issued by a warehouse operator licensed under
30 chapter 203C for grain from the crop is no longer
31 under the custody or control of the contract producer.
32 ~~Section 554.9515 shall not apply to a financing~~
33 ~~statement perfecting the lien.~~ The lien may be
34 terminated by the contract producer who files a
35 termination statement as provided in chapter 554,
36 article 9."

37 2. Title page, line 1, by inserting after the
38 words "relating to" the following: "agricultural
39 production including".

40 3. Title page, line 2, by inserting after the
41 word "operations," the following: "and agricultural
42 production liens,."

43 4. By renumbering as necessary.

Struyk of Pottawattamie asked and received unanimous consent that amendment H-1381 to amendment H-1319 be deferred.

Jacobs of Polk asked and received unanimous consent that House File 805 be deferred and that the bill retain its place on the calendar. (Amendment H-1319, as amended, pending)

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration **House File 742**, a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-1373:

H-1373

- 1 Amend House File 742, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 19, by striking the figure "1999"
- 4 and inserting the following: "2001".

The motion prevailed and the House concurred in the Senate amendment H-1373.

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. 742)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones

Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Jochum	Tomenga	Watts
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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

Jacobs of Polk asked and received unanimous consent that **House File 742** be immediately messaged to the Senate.

Senate File 370, a bill for an act relating to the duration of a no-contact order in a criminal case, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton 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. 370)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt

De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Jochum Tomenga Watts

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 370** be immediately messaged to the Senate.

Ways and Means Calendar

House File 844, a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency or bullion, was taken up for consideration.

Hogg of Linn offered amendment H-1396 filed by him from the floor, as follows:

H-1396

1 Amend House File 844 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. CHILD AND FAMILY SERVICES.

5 1. There is appropriated from the general fund of
6 the state to the department of human services for the
7 fiscal year beginning July 1, 2005, and ending June
8 30, 2006, the following amount, or so much thereof as
9 is necessary, to be used for the purpose designated:

10 For child and family services:

11 \$ 300,000

12 The amount appropriated in this section shall be
13 used for distribution of competitive grants for the
14 provision of public education and outreach to reduce
15 the incidence of sexual abuse and exploitation of
16 children and sexual crimes against children. To
17 receive a grant under this section, a grantee must
18 demonstrate successful collaboration with a child
19 abuse prevention council or a community partnership
20 for protecting children."

21 2. Title page, by striking lines 1 and 2, and

22 inserting the following: "An Act making an
23 appropriation for child abuse prevention education."

Boal of Polk rose on a point of order that amendment H-1396 was not germane.

The Speaker ruled the point well taken and amendment H-1396 not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment H-1396.

Objection was raised.

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. 844)

The ayes were, 57:

Alons
Boal

Arnold
Chambers

Baudler
Cohoon

Bell
De Boef

Dix	Dolecheck	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Lykam	Maddox	May
Mertz	Olson, R.	Olson, S.	Paulsen
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, 41:

Anderson	Berry	Bukta	Dandekar
Davitt	Drake	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Jacoby	Kressig
Kuhn	Lensing	Mascher	McCarthy
Miller	Murphy	Oldson	Olson, D.
Petersen	Pettengill	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Zirkelbach			

Absent or not voting, 2:

Jochum Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 56 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 56 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 844** be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 805**, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, previously deferred. (Amendment H-1319, as amended, pending)

Struyk of Pottawattamie offered the following amendment H-1381, to amendment H-1319, previously deferred, found on page 1294 of the House Journal, filed by him and moved its adoption:

Amendment H-1381 was adopted.

On motion by Struyk of Pottawattamie, amendment H-1319, as amended, was adopted.

Struyk of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 805)

The ayes were, 78:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kuhn
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Róberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitaker	Wilderdyke	Wise
Zirkelbach	Carroll, Presiding		

The nays were, 21:

Berry	Fallon	Heddens	Hogg
Hunter	Jacoby	Jochum	Kressig
Lensing	Mascher	Oldson	Olson, D.
Olson, R.	Petersen	Shoultz	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitead
Winckler			

Absent or not voting, 1:

Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 805** be immediately messaged to the Senate.

Ways and Means Calendar

House File 853, a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision, was taken up for consideration.

Hogg of Linn offered the following amendment H-1402 filed by him from the floor and moved its adoption:

H-1402

- 1 Amend House File 853 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 422.11K SCHOOL
- 5 CHARITABLE ORGANIZATION TAX CREDIT.
- 6 1. The taxes imposed under this division less the
- 7 credits allowed under sections 422.12 and 422.12B
- 8 shall be reduced by a school charitable organization
- 9 tax credit equal to twenty-five percent of the amount
- 10 of voluntary cash contributions made by the taxpayer
- 11 during the tax year to a school charitable
- 12 organization, not to exceed either of the following:
- 13 a. Two thousand five hundred dollars for a single
- 14 individual.

15 b. Five thousand dollars for a married couple.
16 2. The taxpayer shall not be entitled to the
17 credit unless the credit is preapproved by the
18 department as provided in subsection 4.
19 3. To be eligible for this credit, all of the
20 following shall apply:
21 a. A deduction pursuant to section 170 of the
22 Internal Revenue Code for any amount of the
23 contribution is not taken for state tax purposes.
24 b. The contribution does not designate that any
25 part of the contribution be used for the direct
26 benefit of any dependent of the taxpayer or any other
27 child designated by the taxpayer.
28 4. To receive the tax credit, the taxpayer shall
29 apply for the credit to the department by January 31
30 following the end of the calendar year in which a
31 contribution was made. If the taxpayer and school
32 charitable organization qualify, the department shall
33 approve the application for credit and so notify the
34 taxpayer by April 1 following receipt of the
35 application. However, the department of revenue shall
36 only grant approval under this section for a total of
37 five million dollars in credits in the fiscal year
38 beginning July 1, 2006, and for a total of ten million
39 dollars in credits in the fiscal years beginning on or
40 after July 1, 2007. Once the qualified applications
41 total more than five million dollars or ten million
42 dollars, as applicable, in credits, the department
43 shall award the approved credits on the basis of the
44 date of application for credit and the remaining
45 approved credits shall be awarded in the subsequent
46 fiscal year. The department shall notify the taxpayer
47 of the year for which the credit is approved. The
48 department shall prepare application forms which may
49 be made available to charitable organizations that may
50 qualify as school charitable organizations.

Page 2

1 5. Any credit in excess of the tax liability is
2 not refundable but the excess for the tax year may be
3 credited to the tax liability for the following five
4 tax years or until depleted, whichever is the earlier.
5 6. Married taxpayers who file separate returns or
6 file separately on a combined return form must
7 determine the tax credit under subsection 1, paragraph
8 "b", based upon their combined net income and allocate
9 the total credit amount to each spouse in the
10 proportion that each spouse's respective net income
11 bears to the total combined net income. Nonresidents
12 or part-year residents of Iowa must determine their
13 tax credit in the ratio of their Iowa source net

14 income to their all source net income. Nonresidents
15 or part-year residents who are married and elect to
16 file separate returns or to file separately on a
17 combined return form must allocate the tax credit
18 between the spouses in the ratio of each spouse's Iowa
19 source net income to the combined Iowa source net
20 income of the taxpayers.

21 7. For purposes of this section:

22 a. "Qualified school" means a public or private
23 nonprofit preschool, as defined in section 237A.1,
24 located in this state or a public or nonpublic
25 elementary or secondary school in this state which is
26 accredited under section 256.11 and adheres to the
27 provisions of the federal Civil Rights Act of 1964 and
28 chapter 216. A qualified school shall not
29 discriminate on the basis of race, creed, color,
30 national origin, sex, age, or disability.

31 b. (1) "School charitable organization" means a
32 charitable organization in this state that is exempt
33 from federal taxation under section 501(c)(3) of the
34 Internal Revenue Code, whose governing board consists
35 of, but is not limited to, parents, teachers, and
36 members of the general public, and that allocates at
37 least ninety percent of its annual revenue for
38 educational expenses, scholarships, or tuition grants
39 to children to allow them to attend any qualified
40 school of their parents' choice.

41 (2) A school charitable organization shall not
42 discriminate on the basis of race, creed, color,
43 national origin, sex, age, or disability. A school
44 charitable organization shall only award educational
45 expense payments, scholarships, and tuition grants to
46 children who reside in Iowa. In addition, to qualify
47 as a school charitable organization, the charitable
48 organization shall only provide educational expense
49 payments, scholarships, or tuition grants to children
50 from families whose incomes are less than two hundred

Page 3

1 percent of the federal poverty level, as defined by
2 the most recently revised income guidelines published
3 by the United States department of health and human
4 services.

5 8. A school charitable organization that receives
6 a voluntary cash contribution pursuant to this section
7 shall report to the department, on a form prescribed
8 by the department, by February 28 of each year all of
9 the following information:

10 a. The name, address, and contact name of the
11 school charitable organization.

12 b. The total number of contributions received

13 during the previous calendar year.
 14 c. The total dollar amount of contributions
 15 received during the previous calendar year.
 16 d. The total number of children awarded
 17 educational expense payments, scholarships, or tuition
 18 grants during the previous calendar year.
 19 e. The total dollar amount of educational expense
 20 payments, scholarships, and tuition grants awarded
 21 during the previous calendar year.
 22 f. For each school to which educational expense
 23 payments, scholarships, or tuition grants were awarded
 24 all of the following shall be provided:
 25 (1) The name and address of the school.
 26 (2) The number of educational expense payments,
 27 scholarships, and tuition grants awarded during the
 28 previous calendar year.
 29 (3) The total dollar amount of educational expense
 30 payments, scholarships, and tuition grants awarded
 31 during the previous calendar year.
 32 9. The department shall annually file a report
 33 with the chairpersons and ranking members of the
 34 senate and house committees on ways and means
 35 detailing a compilation of the information received
 36 from the reports of all school charitable
 37 organizations filed pursuant to the requirements of
 38 subsection 8.
 39 Sec. 2. APPLICABILITY DATE. This Act applies to
 40 tax years beginning on or after January 1, 2006, but
 41 before January 1, 2014."

Roll call was requested by Murphy of Dubuque and Hogg of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1402 be adopted?" (H.F. 853)

The ayes were, 49:

Anderson	Arnold	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Fallon	Foege	Ford	Frevert
Gaskill	Heddens	Hogg	Huser
Jacoby	Jochum	Kressig	Kuhn
Lensing	Lykam	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell

Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Baudler	Boal	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Hunter	Huseman	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Maddox
Mascher	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Carroll, Presiding		

Absent or not voting, 1:

Tomenga

Amendment H-1402 lost.

Roberts of Carroll in the chair at 10:35 a.m.

Speaker pro tempore Carroll in the chair at 10:46 a.m.

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. 853)

The ayes were, 57:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Dandekar	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Olson, S.	Paulsen	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Schueller

Shomshor	Soderberg	Struyk	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wildurdyke
Carroll, Presiding			

The nays were, 42:

Bell	Berry	Bukta	Cohoon
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Granzow	Heddens
Hogg	Hunter	Huser	Jacoby
Jenkins	Jochum	Kressig	Kuhn
Lensing	Mascher	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Pettengill	Reichert	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Zirkelbach		

Absent or not voting and 1:

Tomenga

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 19, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 402, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

MICHAEL E. MARSHALL, Secretary

HOUSE FILE 320 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw House File 320 from further consideration by the House.

SENATE MESSAGES CONSIDERED

Senate File 403, by committee on government oversight, a bill for an act providing for the receipt of and costs relating to public records requests.

Read first time and referred to committee on **government oversight**.

Senate File 404, by committee on ways and means, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

Read first time and referred to committee on **ways and means**.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House File 853** be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 10:59 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 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-nine members present, twenty-one absent.

ADOPTION OF HOUSE RESOLUTION 21

Arnold of Lucas called up for consideration **House Resolution 21**, a resolution relating to Iowa's contribution to a hydrogen-powered economy, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 837, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations, 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?" (H.F. 837)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carróll, Presiding			

The nays were, 2:

Eichhorn	Huser
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Absent or not voting, 1:

Tomenga

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 770**, a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals, amended by the Senate, and moved that the House concur in the following Senate amendment H-1205:

H-1205

1 Amend House File 770, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 4 the
4 following:

5 "Sec. __. Section 10A.104, subsection 15, Code
6 2005, is amended by striking the subsection."

7 2. Page 2, by inserting after line 7 the
8 following:

9 "Sec. __. Section 147.88, Code 2005, is amended
10 to read as follows:

11 147.88 INSPECTIONS.

12 The department of inspections and appeals may
13 perform inspections as required by this subtitle,
14 except for the board of medical examiners, the board
15 of pharmacy examiners, the board of nursing, and the
16 board of dental examiners, the board of barber
17 examiners, and the board of cosmetology arts and
18 sciences examiners. The department of inspections and
19 appeals shall employ personnel related to the
20 inspection functions.

21 Sec. __. Section 157.7, unnumbered paragraph 1,
22 Code 2005, is amended to read as follows:

23 ~~The department of inspections and appeals shall~~
24 ~~employ personnel pursuant to chapter 8A, subchapter~~
25 ~~IV, to perform duties related to inspection functions~~
26 ~~under this chapter. The department of inspections and~~
27 ~~appeals shall, when possible, integrate inspection~~
28 ~~efforts under this chapter with inspections conducted~~
29 ~~under chapter 158.~~

30 Sec. __. Section 158.6, unnumbered paragraph 1,

31 Code 2005, is amended to read as follows:

32 The department of ~~inspections and appeals~~ shall
 33 employ personnel pursuant to chapter 8A, subchapter
 34 IV, to perform duties related to inspection functions
 35 under this chapter. The department of ~~inspections and~~
 36 ~~appeals~~ shall, when possible, integrate inspection
 37 efforts under this chapter with inspections conducted
 38 under chapter 157."

39 3. Page 2, lines 21 and 22, by striking the words
 40 and figures "under section 137F.2, Code 2005,".

41 4. Page 2, line 32, by inserting after the figure
 42 "137F," the following: "157, 158,".

43 5. Page 3, line 12, by inserting after the figure
 44 "137F," the following: "157, 158,".

45 6. Page 3, line 17, by inserting after the figure
 46 "137F," the following: "157, 158,".

47 7. Page 3, by inserting after line 19 the
 48 following:

49 "Sec.____. REVIEW OF FEES. The Iowa department of
 50 public health may perform a review of the license and

Page 2

1 examination fees charged by the department under
 2 chapters 137C, 137D, 137F, 157, 158, and 196."

3 8. Page 3, line 22, by inserting after the figure
 4 "137F," the following: "157, 158,".

5 9. Title page, by striking line 3 and inserting
 6 the following: "establishments, Iowa food code,
 7 regulation of egg handlers, and inspection of
 8 cosmetology and barbering licensees".

The motion prevailed and the House concurred in the Senate amendment H-1205.

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. 770)

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege

Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Mascher	May	Mertz	Miller
Murphy	Olson, D.	Olson, S.	Paulsen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, 6:

Hunter	Huser	McCarthy	Oldson
Olson, R.	Petersen		

Absent or not voting 1:

Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SPECIAL PRESENTATION

Arnold of Lucas introduced to the House the North Mahaska Red Hawks Basketball Team.

The House rose and expressed its welcome.

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration **House File 777**, a bill for an act relating to testing a person who assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-1374:

H-1374

- 1 Amend House File 777, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 "5. For purposes of this section, "potentially
 6 infected person" includes a care provider as defined
 7 in section 139A.2."

The motion prevailed and the House concurred in the Senate amendment H-1374.

Swaim of Davis 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. 777)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Tomenga

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 585**, a bill for an act relating to assisted living programs, providing for a fee and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment H-1370:

H-1370

- 1 Amend House File 585, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, by striking lines 24 and 25, and
- 4 inserting the following:
- 5 "d. A person, other than a person authorized to
- 6 prescribe prescription drugs under state and federal
- 7 law, shall not alter the prescription of a tenant."
- 8 2. Page 12, by inserting after line 22, the
- 9 following:
- 10 "Sec. __. EFFECTIVE DATE. This Act, being deemed
- 11 of immediate importance, takes effect upon enactment."
- 12 3. Title page, by striking line 2, and inserting
- 13 the following: "providing penalties, and providing an
- 14 effective date."
- 15 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1370.

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. 585)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt

De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

SENATE MESSAGE CONSIDERED

Senate File 402, by committee on ways and means, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

Read first time and referred to committee on **ways and means**.

SENATE AMENDMENT CONSIDERED

Roberts of Carroll called up for consideration **House File 789**, a bill for an act relating to programs and functions under the purview of the Iowa department of public health, amended by the Senate, and

moved that the House concur in the following Senate amendment H-1385:

H-1385

- 1 Amend House File 789, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "injury." the following: "For the purposes of this
- 5 section, the designation of lead agency authorizes the
- 6 department to perform or oversee the performance of
- 7 those functions specified in subsection 6, paragraphs
- 8 "a" through "c."
- 9 2. Page 13, line 34, by striking the word "known"
- 10 and inserting the following: "disclosed".
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

Dolecheck of Ringgold in the chair at 1:39 p.m.

The motion prevailed and the House concurred in the Senate amendment H-1385.

Roberts of Carroll 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. 789)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk

Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Dolecheck, Presiding		

The nays were, none.

Absent or not voting, 2:

Tomenga Watts

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 869, by committee on ways and means, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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 585, 770, 777, 789 and 837**.

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration **House File 587**, a bill for an act relating to adult day services regulation and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-1376:

H-1376

- 1 Amend House File 587, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 11, by striking lines 19 and 20, and
 4 inserting the following:
 5 "d. A person, other than a person authorized to
 6 prescribe prescription drugs under state and federal
 7 law, shall not alter the prescription of a
 8 participant."
 9 2. Page 15, by inserting after line 22, the
 10 following:
 11 "Sec.____. EFFECTIVE DATE. This Act, being deemed
 12 of immediate importance, takes effect upon enactment."
 13 3. Title page, lines 1 and 2, by striking the
 14 words "and providing penalties" and inserting the
 15 following: ", providing penalties, and providing an
 16 effective date".
 17 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1376.

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. 587)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdye	Winckler
Wise	Zirkelbach	Dolecheck, Presiding	

The nays were, none.

Absent or not voting, 1:

Tomenga

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

Carroll of Poweshiek called up for consideration **House File 617**, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, amended by the Senate, and moved that the House concur in the following Senate amendment H-1377:

H-1377

- 1 Amend House File 617, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "department" the following: ", in consultation with
- 5 assisted living services providers,".

The motion prevailed and the House concurred in the Senate amendment H-1377.

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. 617)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foegen
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyeke	Winckler
Wise	Zirkelbach	Dolecheck, Presiding	

The nays were, none.

Absent or not voting, 1:

Tomenga

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 710**, a bill for an act relating to the regulation of elder group homes and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment H-1378:

H-1378

- 1 Amend House File 710, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 31, by inserting after the word
- 4 "marshal." the following: "The rules adopted for the
- 5 special classification by the state fire marshal
- 6 regarding second floor occupancy shall be adopted in
- 7 consultation with the department of elder affairs and

8 shall take into consideration the mobility of the
 9 tenants."
 10 2. Page 16, by striking lines 11 and 12, and
 11 inserting the following:
 12 "d. A person, other than a person authorized to
 13 prescribe prescription drugs under state and federal
 14 law, shall not alter the prescription of a tenant."
 15 3. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1378.

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. 710)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Dolecheck,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Tomenga

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 57, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-1230 filed by him on March 30, 2005.

Tjepkes of Webster offered the following amendment H-1393 filed by him and moved its adoption:

H-1393

1 Amend Senate File 57, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting before line 10, the
4 following:

5 "Sec.____. Section 414.25, Code 2005, is amended
6 to read as follows:

7 414.25 TRANSITIONAL PROVISIONS.

8 Of the two additional members which may be
9 appointed to increase a five-member board of
10 adjustment to a seven-member board after January 1,
11 1980, one member shall be appointed to an initial term
12 of five years and one member shall be appointed to an
13 initial term of four years. The terms of office of
14 members of a board of adjustment serving unexpired
15 terms of office on or after January 1, 1980, shall
16 expire according to their original appointments."

17 2. Page 2, line 19, by inserting after the word
18 "on" the following: "or after".

19 3. Page 2, line 27, by inserting after the word
20 "on" the following: "or after".

21 4. By renumbering as necessary.

Amendment H-1393 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. 57)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Dolecheck, Presiding		

The nays were, 1:

Olson, D.

Absent or not voting, 1:

Tomenga

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 587, 617, 710** and **Senate File 57**.

Ways and Means Calendar

House File 854, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates, was taken up for consideration.

Hoffman of Crawford offered the following amendment H-1403 filed by him from the floor and moved its adoption:

H-1403

- 1 Amend House File 854 as follows:
- 2 1. Page 8, lines 28 and 29, by striking the words
- 3 "~~attached to the policy when~~" and inserting the
- 4 following: "attached to the policy when issued or
- 5 shall be".
- 6 2. Page 17, by striking lines 8 through 27 and
- 7 inserting the following: "the administrator may by
- 8 rule require financial responsibility standards."
- 9 3. By striking page 36, line 22 through page 37,
- 10 line 1, and inserting the following:
- 11 "Sec. NEW SECTION. 522B.17A INJUNCTIVE
- 12 RELIEF.
- 13 1. An association with at least twenty-five
- 14 insurance producer members may bring an action in
- 15 district court to enjoin a person from selling,
- 16 soliciting, or negotiating insurance in violation of
- 17 section 522B.2. However, before bringing an action in
- 18 district court to enjoin a person pursuant to this
- 19 section, an association shall file a complaint with
- 20 the insurance division alleging that the person is
- 21 selling, soliciting, or negotiating insurance in

22 violation of section 522B.2.
23 2. If the division makes a determination to
24 proceed administratively against the person for a
25 violation of section 522B.2, the complainant shall not
26 bring an action in district court against the person
27 pursuant to this section based upon the allegations
28 contained in the complaint filed with the division.
29 3. If the division does not make a determination
30 to proceed administratively against the person for a
31 violation of section 522B.2, the division shall issue,
32 on or before ninety days from the date of filing of
33 the complaint, a release to the complainant that
34 permits the complainant to bring an action in district
35 court pursuant to this section.
36 4. The filing of a complaint with the division
37 pursuant to this section tolls the statute of
38 limitations pursuant to section 614.1 as to the
39 alleged violation for a period of one hundred twenty
40 days from the date of filing the complaint.
41 5. Any action brought in district court by a
42 complainant against a person pursuant to this section,
43 based upon the allegations contained in the complaint
44 filed with the division, shall be brought within one
45 year after the ninety-day period following the filing
46 of the complaint with the division, or the date of the
47 issuance of a release by the division, whichever is
48 earlier.
49 6. If the court finds that the person is in
50 violation of section 522B.2 and enjoins the person

Page 2

1 from selling, soliciting, or negotiating insurance in
2 violation of that section, the court's findings of
3 fact and law, and the judgment and decree, when final,
4 shall be admissible in any proceeding initiated
5 pursuant to section 522B.17 by the commissioner
6 against the person enjoined and the person enjoined
7 shall be precluded from contesting in that proceeding
8 the court's determination that the person sold,
9 solicited, or negotiated insurance in violation of
10 section 522B.2."
11 4. By renumbering as necessary.

Amendment H-1403 was adopted.

SENATE FILE 360 SUBSTITUTED FOR HOUSE FILE 854

Hoffman of Crawford asked and received unanimous consent to substitute Senate File 360 for House File 854.

Senate File 360, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates, was taken up for consideration.

Petersen of Polk asked and received unanimous consent to withdraw amendment H-1416 filed by her from the floor.

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?" (S.F. 360)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.

Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Dolecheck, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 1:

Tomenga

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 854 WITHDRAWN

Hoffman of Crawford asked and received unanimous consent to withdraw House File 854 from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **Senate File 360** be immediately messaged to the Senate.

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 4:22 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 19, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 538, a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 589, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 674, a bill for an act relating to distribution of secondary and farm-to-market road funds.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 737, a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 771, a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Also: That the Senate has on April 19, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

Senate File 330, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Also: That the Senate has on April 19, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 9, a concurrent resolution relating to the creation of a criminal code revisions legislative study committee.

Also: That the Senate has on April 19, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 13, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 19, 2005. Had I been present, I would have voted "aye" on House File 742 and Senate File 370.

WATTS of Dallas

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 2005, he approved and transmitted to the Secretary of State the following bills:

House File 252, an Act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

House File 375, an Act relating to the duties imposed on a real estate broker by a brokerage agreement.

House File 469, an Act increasing the membership of the real estate commission.

House File 478, an Act relating to the Iowa Commission on Volunteer Service.

House File 580, an Act relating to the administration of the Iowa Egg Council, including by providing for the use, protection, and research of eggs and egg products, and providing for an assessment.

Senate Joint Resolution 6, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Senate Joint Resolution 7, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Senate File 265, an Act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Senate File 283, an Act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

Senate File 320, an Act requiring performance of a criminal history check on applicants for real estate broker and salesperson licenses.

Senate File 339, an Act relating to regional transit districts.

Senate File 346, 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.

Senate File 379, an Act relating to the Iowa Probate Code, the Iowa Trust Code, and certain other trusts.

PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty-five 7th grade students from Cumberland Anita, Massena, Iowa, accompanied by teacher and former Representative Mike Cormack. By Baudler of Adair and Drake of Pottawattamie.

Middle School students from West Central Community School, Maynard, Iowa, accompanied by Larry Munger. By Lalk of Fayette.

Forty-one students from Wall Lakeview, Auburn, Iowa, accompanied by Nick Savers, Carol Dickkut and Kari Houser. By Freeman of Buena Vista.

Eighth grade students from St. Theresa's School, Des Moines, Iowa, accompanied by Mr. Hattel. By Jacobs 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

- | | |
|-----------|---|
| 2005\1241 | Frank and Betty Forret, Calamus – For celebrating their 50 th wedding anniversary. |
| 2005\1242 | June Petersen, DeWitt – For celebrating her 85 th birthday. |
| 2005\1243 | Willa Howson, DeWitt – For celebrating her 100 th birthday. |
| 2005\1244 | Dorothy Gronewold, Donahue – For celebrating her 90 th birthday. |
| 2005\1245 | Charles Sothmann, Davenport – For celebrating his 80 th birthday. |

- 2005\1246 Lynn Oldfather, La Porte City – For celebrating his 82nd birthday.
- 2005\1247 Leona Schares, Dunkerton – For celebrating her 85th birthday.
- 2005\1248 Ronald and Sharon Lentzkow, Independence – For celebrating their 50th wedding anniversary.
- 2005\1249 James R. and Marilyn J. Lee, La Porte City – For celebrating their 50th wedding anniversary.
- 2005\1250 Fern Opdahl, Hawarden – For celebrating her 80th birthday.
- 2005\1251 Gloria Stotz, Akron – For celebrating her 80th birthday.
- 2005\1252 Don and Pat Schiltz, Remsen – For celebrating their 50th wedding anniversary.
- 2005\1253 Clarke Pollock, Garner – For celebrating his 90th birthday.
- 2005\1254 Art and Berniece Koenigsberg, Remsen – For celebrating their 60th wedding anniversary.
- 2005\1255 Roberta Meinking, Aurelia – For celebrating her 100th birthday.
- 2005\1256 Howard Hinton, Iowa Falls – For celebrating his 90th birthday.
- 2005\1257 Stewart A. and Florabelle Hays, Exira – For celebrating their 65th wedding anniversary.
- 2005\1258 Hulda Kroeger, Sioux City – For celebrating her 103rd birthday.
- 2005\1259 John and Mary Lou Behm, Mason City – For celebrating their 50th wedding anniversary.
- 2005\1260 Iris Alitz, Mason City – For celebrating her 80th birthday.
- 2005\1261 Edith Albers, Swaledale – For celebrating her 80th birthday.
- 2005\1262 Robert Lukes, Mason City – For celebrating his 90th birthday.
- 2005\1263 Harold and Jean Youngblut, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\1264 Gloria Smith, Waterloo – For celebrating her 80th birthday.
- 2005\1265 John Massa, Sibley – For celebrating his 90th birthday.
- 2005\1266 Doris Oswald, Mason City – For celebrating her 90th birthday.
- 2005\1267 Andy and Nelvina Mouw, Sibley – For celebrating their 60th wedding anniversary.

- 2005\1268 Lenore Luethje, Toledo – For celebrating her 90th birthday.
- 2005\1269 Dean and Elayne Hummel, Orleans – For celebrating their 50th wedding anniversary.
- 2005\1270 Kassie Hobbs, Bettendorf – For receiving the Campaign for Tobacco Free Kids National Youth Advocate of the Year award.
- 2005\1271 Mike Schmillen, Spencer – For his 29 years of coaching the Spencer High School Track Team.

SUBCOMMITTEE ASSIGNMENT

Senate File 403

Government Oversight: Raecker, Chair; Eichhorn and Winckler.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 300

Ethics: Raecker, Chair; Cohoon, Huseman, Mascher, Miller and Tymeson.

House Study Bill 301

Ways and Means: J.K. Van Fossen, Chair; Kaufmann and Shomshor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 302 Oversight

Creating a starvation and dehydration of persons with disabilities prevention Act and providing remedies.

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 ADMINISTRATION AND RULES

House File 845, a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees,

abolishing certain related entities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1411** April 19, 2005.

COMMITTEE ON WAYS AND MEANS

Senate File 390, a bill for an relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2005.

Senate File 395, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

Committee Bill (Formerly House File 387), relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2005.

Committee Bill (Formerly House File 689), providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 2005.

Committee Bill (Formerly House File 850), relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 2005.

RESOLUTIONS FILED

HCR 16, by Upmeyer, Dandekar, Mertz, Boal, Wessel-Kroeschell, Tymeson, Jacobs, Heddens, Smith, Lukan, Oldson, Foege, Berry, Kressig, Paulsen, Dix, Greiner, Drake and Gipp, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

Laid over under **Rule 25**.

HR 46, by Mascher, a resolution requesting the establishment of a legislative interim study committee to review the private instruction requirements for school-age children set forth in the Iowa Code.

Laid over under **Rule 25**.

HR 47, by Berry, Winckler, Wendt, Lensing, Shoultz, Bell, Whitead, Foege, Lykam, Jacoby, Hunter, T. Taylor, D. Olson, Wessel-Kroeschell, Freeman, D. Taylor, Tomenga, Reasoner, Oldson, Frevert, Ford, Baudler, Schueller, Heddens, Shomshor, Hutter, Swaim, Jacobs, Tjepkes, Upmeyer, Greiner, De Boef, Reichert, Schickel, Whitaker, Cohoon, Kressig, Huseman, May, Huser, Fallon, Bukta, Heaton, Granzow, Hogg, Boal and Miller, a house resolution proclaiming April 2005 as Child Abuse Prevention Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1397	H.F.	275	Senate Amendment
H—1398	H.F.	616	Senate Amendment
H—1399	H.F.	739	Senate Amendment
H—1400	H.F.	849	Thomas of Clayton
H—1401	H.F.	687	Rayhons of Hancock Bukta of Clinton
H—1404	H.F.	833	Anderson of Page R. Olson of Polk
H—1405	H.F.	847	Kuhn of Floyd
H—1406	H.F.	847	Gaskill of Wapello

H—1407	H.F.	847	Ford of Polk
H—1408	H.F.	847	Smith of Marshall
H—1409	H.F.	829	Petersen of Polk
H—1410	H.F.	848	Paulsen of Linn
H—1411	H.F.	845	Committee on Administration and Rules
H—1412	H.F.	848	Heaton of Henry
H—1413	H.F.	848	Jacobs of Polk Sands of Louisa S. Olson of Clinton
H—1414	H.F.	848	Pettengill of Benton Schueller of Jackson
H—1415	H.F.	847	Gaskill of Wapello
H—1417	H.F.	841	Carroll of Poweshiek Smith of Marshall Foege of Linn Upmeyer of Hancock Heaton of Henry
H—1418	H.F.	862	Mascher of Johnson
H—1419	H.F.	862	De Boef of Keokuk Tymeson of Madison Heaton of Henry Upmeyer of Hancock
H—1420	H.F.	848	Shoultz of Black Hawk
H—1421	H.F.	848	Shoultz of Black Hawk
H—1422	S.F.	330	Senate Amendment
H—1423	H.F.	848	Hogg of Linn
H—1424	H.F.	848	Hogg of Linn
H—1425	H.F.	538	Senate Amendment
H—1426	H.F.	841	Foege of Linn
H—1427	H.F.	841	Upmeyer of Hancock J.K. Van Fossen of Scott Heaton of Henry

On motion by Jacobs of Polk the House adjourned at 4:28 p.m. until 8:45 a.m., Wednesday, April 20, 2005.

JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Sixty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 20, 2005

The House met pursuant to adjournment at 8:58 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Galen Richards, pastor of Colwell United Church of Christ, Charles City. He was the guest of Representative Mark Kuhn from Floyd County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 19, 2005 was approved.

INTRODUCTION OF BILLS

House File 870, by Murphy and Gipp, a bill for an act relating to the applicability of motor vehicle financial responsibility provisions to special mobile equipment and providing an effective date.

Read first time and referred to committee on **commerce, regulation and labor**.

House File 871, by committee on ways and means, a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

Read first time and placed on the **ways and means calendar**.

CONSIDERATION OF BILLS

Ways and Means Calendar

House File 833, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties, was taken up for consideration.

Roberts of Carroll in the chair at 9:10 a.m.

Anderson of Page offered amendment H-1382 filed by the committee on judiciary as follows:

H-1382

1 Amend House File 833 as follows:

2 1. Page 9, by striking lines 3 through 9 and
3 inserting the following:

4 "11. A person who knowingly manufactures, sells,
5 or delivers, or who possesses with intent to sell or
6 deliver any amount of a counterfeit, misbranded, or
7 adulterated drug or device is guilty of a class "C"
8 felony."

9 2. Page 9, by striking lines 14 through 19 and
10 inserting the following:

11 "13. A person who knowingly possesses, purchases,
12 or brings into the state any amount of a counterfeit,
13 misbranded, or adulterated drug or device is guilty of
14 a class "D" felony."

15 3. By striking page 9, line 20, through page 10,
16 line 12.

17 4. By renumbering, redesignating, and correcting
18 internal references as necessary.

Anderson of Page offered the following amendment H-1404, to the committee amendment H-1382, filed by him and R. Olson of Polk and moved its adoption:

H-1404

1 Amend the amendment, H-1382, to House File 833, as
2 follows:

3 1. Page 1, by striking lines 4 through 8 and
4 inserting the following:

5 "11. A person who knowingly manufacturers, sells,
6 or delivers, or who possesses with intent to sell or
7 deliver, a counterfeit, misbranded, or adulterated
8 drug or device is guilty of the following:

9 a. If the person manufactures or produces a
10 counterfeit, misbranded, or adulterated drug or
11 device; or if the quantity of a counterfeit,
12 misbranded, or adulterated drug or device being sold,
13 delivered, or possessed with intent to sell or deliver
14 exceeds one thousand units or dosages; or if the
15 violation is a third or subsequent violation of this
16 subsection, the person is guilty of a class "C"
17 felony.

18 b. If the quantity of a counterfeit, misbranded,

19 or adulterated drug or device being sold, delivered,
20 or possessed with intent to sell or deliver exceeds
21 one hundred units or dosages but does not exceed one
22 thousand units or dosages; or if the violation is a
23 second or subsequent violation of this subsection, the
24 person is guilty of a class "D" felony.

25 c. All other violations of this subsection shall
26 constitute an aggravated misdemeanor."

27 2. Page 1, by striking lines 11 through 14 and
28 inserting the following:

29 "13. A person who knowingly possesses, purchases,
30 or brings into the state a counterfeit, misbranded, or
31 adulterated drug or device is guilty of the following:

32 a. If the quantity of a counterfeit, misbranded,
33 or adulterated drug or device being possessed,
34 purchased, or brought into the state exceeds one
35 hundred units or dosages; or if the violation is a
36 second or subsequent violation of this subsection, the
37 person is guilty of a class "D" felony.

38 b. All other violations of this subsection shall
39 constitute an aggravated misdemeanor."

40 3. Page 1, by inserting after line 16 the
41 following:

42 "_. Page 10, by inserting after line 17 the
43 following:

44 "17. Subsections 1 and 2 shall not apply to a
45 parent or legal guardian administering, in good faith,
46 a prescription drug or device to a child of the parent
47 or a child for whom the individual is designated a
48 legal guardian."

49 4. By renumbering as necessary.

Amendment H-1404 was adopted.

On motion by Anderson of Page, the committee amendment H-1382, as amended, was adopted.

Upmeyer of Hancock asked and received unanimous consent that amendment H-1428 be deferred.

Bell of Jasper asked and received unanimous consent to withdraw amendment H-1430 filed by him from the floor.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment H-1428, previously deferred, filed by her from the floor.

Gipp of Winneshiek asked and received unanimous consent that House File 833 be deferred and that the bill retain its place on the calendar.

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration **House File 645**, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators, amended by the Senate, and moved that the House concur in the following Senate amendment H-1372:

H-1372

1 Amend House File 645, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 28 through 30 and
4 inserting the following: "promotional materials. A
5 lottery, game".

6 2. Page 1, by inserting after line 35 the
7 following:

8 "_. A commercial organization shall not conduct
9 a promotional activity that involves the sale of pull-
10 tab tickets or instant tickets, as defined in section
11 99G.3, coupons, or tokens that are not authorized by
12 the Iowa lottery authority and that may represent a
13 chance to win a cash prize to be paid on the premises
14 where the chance to win such prize was obtained. This
15 subsection shall not be construed to prohibit a
16 commercial organization from giving away pull-tab
17 tickets, instant tickets, coupons, or tokens free of
18 charge as part of a promotional activity, provided
19 that the other provisions of this section are complied
20 with. For purposes of this subsection, "cash" means
21 United States currency."

22 3. By renumbering, redesignating, and correcting
23 internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1372.

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. 645)

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyeke	Winckler	Wise	Zirkelbach
Roberts, Presiding			

The nays were, none.

Absent or not voting, 3:

Fallon	Greiner	Mascher
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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 **House File 645** be immediately messaged to the Senate.

Appropriations Calendar

House File 862, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, was taken up for consideration.

The House stood at ease at 9:29 a.m., until the fall of the gavel.

The House resumed session at 11:30 a.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, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 253, a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

Also: That the Senate has on April 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 312, a bill for an act relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, and placement of campaign signs.

Also: That the Senate has on April 20, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 374, a bill for an act relating to veterans by providing for the compensation of members of a county commission of veteran affairs, providing for the issuance of combined hunting and fishing licenses to certain veterans, establishing a hepatitis C awareness program for veterans, concerning funds in an account for a state veterans cemetery, and providing an effective date.

Also: That the Senate has on April 20, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment.

Also: That the Senate has on April 20, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 57, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Also: That the Senate has on April 20, 2005, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older.

MICHAEL E. MARSHALL, Secretary

The House resumed consideration of House File 862.

Heaton of Henry offered amendment H-1429 filed by him from the floor and requested division as follows:

H-1429

1 Amend House File 862 as follows:

H-1429A

2 1. Page 4, line 34, by inserting after the word
3 "basis" the following: "and for not more than the
4 following full-time equivalent positions:"

5 2. Page 4, by inserting after line 35, the
6 following:

7 ".....FTEs 1.00"

8 3. Page 5, by inserting after line 19, the
9 following:

10 "i. For a grant to a program that utilizes high
11 school mentors to teach life skills, violence
12 prevention, and character education in an effort to
13 reduce the illegal use of alcohol, tobacco, and other
14 substances:

15 \$ 400,000

16 (1) The program described in this paragraph "i"
17 shall meet all of the following requirements:

18 (a) The program shall be a statewide mentoring
19 program that is an alternative to mentoring programs
20 that utilize the standards of effective practice.

21 (b) The program shall contract with a university
22 to assist in curriculum development and performance
23 evaluation.

24 (c) The program shall provide for some level of
25 public-private partnership.

26 (d) The program shall obtain the assistance of the
27 Iowa department of public health in the development of
28 the performance evaluation design.

29 (e) The program shall demonstrate improvement in
30 meeting current standards.

31 (2) The Iowa department of public health shall
32 negotiate a sole source contract with a nonprofit
33 corporation that mentors through live music and
34 receives funds through private partnership to
35 implement this paragraph "i".

36 (3) The Iowa department of public health may use
37 up to \$50,000 of the moneys appropriated under this
38 paragraph "i" to provide technical assistance to and
39 monitoring of the program.

40 (4) Notwithstanding section 8.33, moneys

41 appropriated under this paragraph "i" that remain
42 unencumbered or unobligated at the close of the fiscal
43 year shall not revert but shall remain available for
44 the purpose designated in the succeeding fiscal year."
45 4. Page 5, line 28, by inserting after the word
46 "program." the following: "Of the amount allocated in
47 this paragraph, \$20,000 shall be used for substance
48 abuse treatment."
49 5. Page 5, line 32, by inserting after the word
50 "program." the following: "Of the amount allocated in

Page 2

1 this paragraph, \$20,000 shall be used for substance
2 abuse treatment."
3 6. Page 6, line 5, by striking the figure
4 "370,000" and inserting the following: "310,000".

H-1429B

5 7. Page 6, line 7, by inserting after the word
6 "program." the following: "The aftercare provided
7 under the program may be provided by any religious
8 faith."

H-1429A

9 8. Page 6, by inserting after line 7, by
10 following:
11 "___ Of the funds appropriated in this
12 subsection, \$60,000 is allocated to the Iowa
13 correctional institution for women at Mitchellville
14 for a value-based treatment program."
15 9. Page 6, line 12, by inserting after the word
16 "state" the following: "as provided pursuant to
17 section 216B.3, subsection 18, paragraphs "a" and
18 "b"."
19 10. Page 7, line 12, by striking the figure
20 "6,400,000" and inserting the following: "6,800,000".
21 11. By renumbering as necessary.

Heaton of Henry offered the following amendment H-1439, to
amendment H-1429A, filed by him from the floor and moved its
adoption:

H-1439

1 Amend the amendment, H-1429, to House File 862 as
2 follows:
3 1. Page 1, line 47, by striking the figure
4 "20,000" and inserting the following: "40,000".

Amendment H-1439 was adopted.

Heaton of Henry moved the adoption of amendment H-1429A, as amended.

Roll call was requested by Smith of Marshall and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-1429A, as amended, be adopted?" (H.F. 862)

The ayes were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Dolecheck	Drake
Elgin	Freeman	Gipp	Granzow
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 48:

Bell	Berry	Bukta	Cohoon
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schuessler	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 2:

Eichhorn	Greiner
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Amendment H-1429A, as amended, was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 862 be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 12:15 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 2:50 p.m., Dolecheck of Ringgold in the chair.

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-five members present, fifteen absent.

The House resumed consideration of **House File 862**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund, previously deferred.

Ford of Polk offered the following amendment H-1440 filed by him from the floor and requested division as follows:

H-1440

1 Amend House File 862 as follows:

H-1440A

- 2 1. Page 3, by inserting after line 13, by
- 3 following:
- 4 "bb. For substance abuse prevention:
- 5\$ 2,000,000"
- 6 2. Page 5, line 23, by striking the figure
- 7 "1,214,000" and inserting the following: "1,464,000".
- 8 3. Page 6, line 1, by striking the figure
- 9 "255,693" and inserting the following: "505,693".

10 4. Page 6, by inserting after line 7, the
 11 following:
 12 "3A. To the department of corrections:
 13 For substance abuse treatment programs in
 14 correctional facilities:
 15 \$ 2,000,000"

H-1440B

16 5. Page 7, line 12, by striking the figure
 17 "6,400,000" and inserting the following:
 18 "10,650,000".

H-1440

19 6. By renumbering as necessary.

Ford of Polk moved the adoption of amendment H-1440A.

A non-record roll call was requested.

The ayes were 45, nays 48.

Amendment H-1440A lost.

Amendment H-1440B was placed out of order with the adoption of amendment H-1429A, as amended.

Smith of Marshall offered the following amendment H-1390 filed by Smith, et al., and moved its adoption:

H-1390

1 Amend House File 862 as follows:
 2 1. Page 5, by striking line 4, and inserting the
 3 following:
 4 "h. For grants, awarded on a competitive basis, to
 5 provide substance abuse".
 6 2. Page 5, by striking lines 7 through 21.

Amendment H-1390 lost.

Heaton of Henry asked and received unanimous consent to withdraw amendment H-1429B.

Mascher of Johnson offered the following amendment H-1418 filed by her and moved its adoption:

H-1418

- 1 Amend House File 862 as follows:
- 2 1. Page 6, by striking lines 6 and 7, and
- 3 inserting the following: "is allocated to the
- 4 Mitchellville correctional facility for women to be
- 5 used for a substance abuse treatment program which
- 6 involves a therapeutic community."

A non-record roll call was requested.

The ayes were 42, nays 49.

Amendment H-1418 lost.

Hunter of Polk offered the following amendment H-1444 filed by him from the floor and moved its adoption:

H-1444

- 1 Amend House File 862 as follows:
- 2 1. Page 6, line 7, by inserting after the word
- 3 "program." the following: "The aftercare provided
- 4 under the program may be provided by any religious
- 5 faith."

Amendment H-1444 lost.

De Boef of Keokuk asked and received unanimous consent to withdraw amendment H-1419 filed by De Boef, et al., on April 19, 2005.

De Boef of Keokuk offered amendment H-1445 filed by her, Tymeson of Madison, Heaton of Henry and Upmeyer of Hancock from the floor as follows:

H-1445

- 1 Amend House File 862 as follows:
- 2 1. Page 7, by inserting after line 16, the
- 3 following:
- 4 "Sec. __. Section 142A.4, Code 2005, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 23. Approve the content of any

- 7 materials distributed by the youth program pursuant to
8 section 142A.9, prior to distribution of the
9 materials."
10 2. By renumbering as necessary.

Hogg of Linn rose on a point of order that amendment H-1445 was not germane.

The Speaker ruled the point well taken and amendment H-1445 not germane.

Foege of Linn asked and received unanimous consent to withdraw amendments H-1434 and H-1441 filed by him from the floor.

Foege of Linn offered the following amendment H-1446 filed by him from the floor and moved its adoption:

H-1446

- 1 Amend House File 862 as follows:
2 1. Page 2, line 16, by striking the figure
3 "5,011,565" and inserting the following: "9,345,394".
4 2. Page 7, by inserting after line 16, the
5 following:
6 "Sec. __. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -
7 TRANSFER. In addition to the amount transferred
8 pursuant to section 12E.12, subsection 1, paragraph
9 "b", subparagraph (2), subparagraph subdivision (b),
10 and in addition to any other amount transferred in
11 this Act, \$4,333,829 is transferred from the endowment
12 for Iowa's health account of the tobacco settlement
13 trust fund created in section 12E.12 to the healthy
14 Iowans tobacco trust created in section 12.65 for the
15 fiscal year beginning July 1, 2005, and ending June
16 30, 2006."
17 3. By renumbering as necessary.

Roll call was requested by Foege of Linn and Hogg of Linn.

Rule 75 was invoked.

On the question "Shall amendment H-1446 be adopted?" (H.F. 862)

The ayes were, 49:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wildurdyke	Dolecheck, Presiding	

Absent or not voting, none

Amendment H-1446 lost.

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. 862)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevort	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Dolecheck, Presiding

The nays were, none.

Absent or not voting, none.

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 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 862** be immediately messaged to the Senate.

Appropriations Calendar

House File 841, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability, was taken up for consideration.

Speaker Rants in the chair at 4:30 p.m.

Carroll of Poweshiek asked and received unanimous consent to withdraw the committee amendment H-1362 filed by the committee on human resources on April 13, 2005.

Carroll of Poweshiek asked and received unanimous consent to withdraw the committee amendment H-1375 filed by the committee on ways and means on April 14, 2005.

Carroll of Poweshiek offered amendment H-1417 filed by Carroll, et al., as follows:

H-1417

1 Amend House File 841 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "DIVISION I
5 IOWACARE

6 Section 1. NEW SECTION. 249J.1 TITLE.

7 This chapter shall be known and may be cited as the
8 "Iowacare Act".

9 Sec. 2. NEW SECTION. 249J.2 FEDERAL FINANCIAL
10 PARTICIPATION - CONTINGENT IMPLEMENTATION.

11 This chapter shall be implemented only to the
12 extent that federal matching funds are available for
13 nonfederal expenditures under this chapter. The
14 department shall not expend funds under this chapter,
15 including but not limited to expenditures for
16 reimbursement of providers and program administration,
17 if appropriated nonfederal funds are not matched by
18 federal financial participation.

19 Sec. 3. NEW SECTION. 249J.3 DEFINITIONS.

20 As used in this chapter, unless the context
21 otherwise requires:

22 1. "Clean claim" means a claim submitted by a
23 provider included in the expansion population provider
24 network that may be adjudicated as paid or denied.

- 25 2. "Department" means the department of human
26 services.
- 27 3. "Director" means the director of human
28 services.
- 29 4. "Expansion population" means the individuals
30 who are eligible solely for benefits under the medical
31 assistance program waiver as provided in this chapter.
- 32 5. "Full benefit dually eligible Medicare Part D
33 beneficiary" means a person who is eligible for
34 coverage for Medicare Part D drugs and is
35 simultaneously eligible for full medical assistance
36 benefits pursuant to chapter 249A, under any category
37 of eligibility.
- 38 6. "Full benefit recipient" means an adult who is
39 eligible for full medical assistance benefits pursuant
40 to chapter 249A under any category of eligibility.
- 41 7. "Iowa Medicaid enterprise" means the
42 centralized medical assistance program infrastructure,
43 based on a business enterprise model, and designed to
44 foster collaboration among all program stakeholders by
45 focusing on quality, integrity, and consistency.
- 46 8. "Medical assistance" or "Medicaid" means
47 payment of all or part of the costs of care and
48 services provided to an individual pursuant to chapter
49 249A and Title XIX of the federal Social Security Act.
- 50 9. "Medicare Part D" means the Medicare Part D

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- 1 program established pursuant to the Medicare
2 Prescription Drug, Improvement, and Modernization Act
3 of 2003, Pub. L. No. 108-173.
- 4 10. "Minimum data set" means the minimum data set
5 established by the centers for Medicare and Medicaid
6 services of the United States department of health and
7 human services for nursing home resident assessment
8 and care screening.
- 9 11. "Nursing facility" means a nursing facility as
10 defined in section 135C.1.
- 11 12. "Public hospital" means a hospital licensed
12 pursuant to chapter 135B and governed pursuant to
13 chapter 145A, 226, 347, 347A, or 392.
- 14 Sec. 4. **NEW SECTION.** 249J.4 PURPOSE.
- 15 It is the purpose of this chapter to propose a
16 variety of initiatives to increase the efficiency,
17 quality, and effectiveness of the health care system;
18 to increase access to appropriate health care; to
19 provide incentives to consumers to engage in
20 responsible health care utilization and personal
21 health care management; to reward providers based on
22 quality of care and improved service delivery; and to
23 encourage the utilization of information technology,

24 to the greatest extent possible, to reduce
 25 fragmentation and increase coordination of care and
 26 quality outcomes.

27 DIVISION II

28 MEDICAID EXPANSION

29 Sec. 5. NEW SECTION. 249J.5 EXPANSION POPULATION
 30 ELIGIBILITY.

31 1. Except as otherwise provided in this chapter,
 32 an individual nineteen through sixty-four years of age
 33 shall be eligible solely for the expansion population
 34 benefits described in this chapter when provided
 35 through the expansion population provider network as
 36 described in this chapter, if the individual meets all
 37 of the following conditions:

38 a. The individual is not eligible for coverage
 39 under the medical assistance program in effect on
 40 April 1, 2005, or was eligible for coverage under the
 41 medical assistance program in effect on April 1, 2005,
 42 but chose not to enroll in that program.

43 b. The individual has a family income at or below
 44 two hundred percent of the federal poverty level as
 45 defined by the most recently revised poverty income
 46 guidelines published by the United States department
 47 of health and human services.

48 c. The individual fulfills all other conditions of
 49 participation for the expansion population described
 50 in this chapter, including requirements relating to

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1 personal financial responsibility.

2 2. Individuals otherwise eligible solely for
 3 family planning benefits authorized under the medical
 4 assistance family planning services waiver, effective
 5 January 1, 2005, as described in 2004 Iowa Acts,
 6 chapter 1175, section 116, subsection 8, may also be
 7 eligible for expansion population benefits provided
 8 through the expansion population provider network.

9 3. Individuals with family incomes below three
 10 hundred percent of the federal poverty level as
 11 defined by the most recently revised poverty income
 12 guidelines published by the United States department
 13 of health and human services shall also be eligible
 14 for obstetrical and newborn care under the expansion
 15 population if deductions for the medical expenses of
 16 all family members would reduce the family income to
 17 two hundred percent of the federal poverty level or
 18 below. Such individuals shall be eligible for the
 19 same benefits as those provided to individuals
 20 eligible under section 135.152. Eligible individuals
 21 may choose to receive the appropriate level of care at
 22 any licensed hospital or health care facility, with

23 the exception of individuals in need of such care
24 residing in the counties of Cedar, Clinton, Iowa,
25 Johnson, Keokuk, Louisa, Muscatine, Scott, and
26 Washington, who shall be provided care at the
27 university of Iowa hospitals and clinics.

28 4. Enrollment for the expansion population may be
29 limited, closed, or reduced and the scope and duration
30 of expansion population services provided may be
31 limited, reduced, or terminated if the department
32 determines that federal medical assistance program
33 matching funds or appropriated state funds will not be
34 available to pay for existing or additional
35 enrollment.

36 5. Eligibility for the expansion population shall
37 not include individuals who have access to group
38 health insurance, unless the reason for not accessing
39 group health insurance is allowed by rule of the
40 department.

41 6. Each expansion population member shall provide
42 to the department all insurance information required
43 by the health insurance premium payment program.

44 7. The department shall contract with the county
45 general assistance directors to perform intake
46 functions for the expansion population, but only at
47 the discretion of the individual county general
48 assistance director.

49 Sec. 6. NEW SECTION. 249J.6 EXPANSION POPULATION
50 BENEFITS.

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1 1. Beginning July 1, 2005, the expansion
2 population shall be eligible for all of the following
3 expansion population services:

4 a. Inpatient hospital procedures described in the
5 diagnostic related group codes or other applicable
6 inpatient hospital reimbursement methods designated by
7 the department.

8 b. Outpatient hospital services described in the
9 ambulatory patient groupings or noninpatient services
10 designated by the department.

11 c. Physician and advanced registered nurse
12 practitioner services described in the current
13 procedural terminology codes specified by the
14 department.

15 d. Dental services described in the dental codes
16 specified by the department.

17 e. Limited pharmacy benefits provided by an
18 expansion population provider network hospital
19 pharmacy and solely related to an appropriately billed
20 expansion population service.

21 f. Transportation to and from an expansion

22 population provider network provider only if the
23 provider offers such transportation services or the
24 transportation is provided by a volunteer.
25 2. Beginning no later than March 1, 2006, all
26 expansion population members shall complete a single
27 comprehensive medical examination and personal health
28 improvement plan within ninety days of enrollment in
29 the expansion population. An expansion population
30 member who enrolls in the expansion population prior
31 to March 1, 2006, shall complete the comprehensive
32 medical examination and the personal health
33 improvement plan by June 1, 2006. These services may
34 be provided by an expansion population provider
35 network physician, advanced registered nurse
36 practitioner, or physician assistant or any other
37 physician, advanced registered nurse practitioner, or
38 physician assistant, available to any full benefit
39 recipient including but not limited to such providers
40 available through a free clinic under a contract with
41 the department to provide these services or through
42 federally qualified health centers or rural health
43 clinics that employ a physician.
44 3. Beginning no later than July 1, 2006, expansion
45 population members shall be provided all of the
46 following:
47 a. Access to a pharmacy assistance clearinghouse
48 program to match expansion population members with
49 free or discounted prescription drug programs provided
50 by the pharmaceutical industry.

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1 b. Access to a medical information hotline,
2 accessible twenty-four hours per day, seven days per
3 week, to assist expansion population members in making
4 appropriate choices about the use of emergency room
5 and other health care services.
6 4. Membership in the expansion population shall
7 not preclude an expansion population member from
8 eligibility for services not covered under the
9 expansion population for which the expansion
10 population member is otherwise entitled under state or
11 federal law.
12 5. Members of the expansion population shall not
13 be considered full benefit dually eligible Medicare
14 Part D beneficiaries for the purposes of calculating
15 the state's payment under Medicare Part D, until such
16 time as the expansion population is eligible for all
17 of the same benefits as full benefit recipients under
18 the medical assistance program.
19 Sec. 7. NEW SECTION. 249J.7 EXPANSION POPULATION
20 PROVIDER NETWORK.

21 1. Expansion population members shall only be
22 eligible to receive expansion population services
23 through a provider included in the expansion
24 population provider network. Except as otherwise
25 provided in this chapter, the expansion population
26 provider network shall be limited to a publicly owned
27 acute care teaching hospital located in a county with
28 a population over three hundred fifty thousand, the
29 university of Iowa hospitals and clinics, and the
30 state hospitals for persons with mental illness
31 designated pursuant to section 226.1 with the
32 exception of the programs at such state hospitals for
33 persons with mental illness that provide substance
34 abuse treatment, serve gero-psychiatric patients, or
35 treat sexually violent predators.

36 2. Expansion population services provided to
37 expansion population members by providers included in
38 the expansion population provider network shall be
39 payable at the full benefit recipient rates.

40 3. Providers included in the expansion population
41 provider network shall submit clean claims within ten
42 days of the date of provision of an expansion
43 population service to an expansion population member.

44 4. Unless otherwise prohibited by law, a provider
45 under the expansion population provider network may
46 deny care to an individual who refuses to apply for
47 coverage under the expansion population.

48 Sec. 8. NEW SECTION. 249J.8 EXPANSION POPULATION
49 MEMBERS – FINANCIAL PARTICIPATION.

50 1. Beginning July 1, 2005, each expansion

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1 population member shall pay a monthly premium not to
2 exceed one-twelfth of five percent of the member's
3 annual family income to be paid on the last day of the
4 month of coverage. The department shall deduct the
5 amount of any monthly premiums paid by an expansion
6 population member for benefits under the healthy and
7 well kids in Iowa program when computing the amount of
8 monthly premiums owed under this subsection. An
9 expansion population member shall pay the monthly
10 premium during the entire period of the member's
11 enrollment. However, regardless of the length of
12 enrollment, the member is subject to payment of the
13 premium for a minimum of four consecutive months.
14 Timely payment of premiums, including any arrearages
15 accrued from prior enrollment, is a condition of
16 receiving any expansion population services. Premiums
17 collected under this subsection shall be deposited in
18 the premiums subaccount of the account for health care
19 transformation created pursuant to section 249J.22.

20 An expansion population member shall also pay the same
21 copayments required of other adult recipients of
22 medical assistance.

23 2. The department may reduce the required out-of-
24 pocket expenditures for an individual expansion
25 population member based upon the member's increased
26 wellness activities such as smoking cessation or
27 compliance with the personal health improvement plan
28 completed by the member.

29 3. The department shall submit to the governor and
30 the general assembly by March 15, 2006, a design for
31 each of the following:

32 a. An insurance cost subsidy program for expansion
33 population members who have access to employer health
34 insurance plans, provided that the design shall
35 require that no less than fifty percent of the cost of
36 such insurance shall be paid by the employer.

37 b. A health care account program option for
38 individuals eligible for enrollment in the expansion
39 population. The health care account program option
40 shall be available only to adults who have been
41 enrolled in the expansion population for at least
42 twelve consecutive calendar months. Under the health
43 care account program option, the individual would
44 agree to exchange one year's receipt of benefits under
45 the expansion population to which the individual would
46 otherwise be entitled for a credit of up to a
47 specified amount toward any medical assistance program
48 covered service. The balance in the health care
49 account at the end of the year, if any, would be
50 available for withdrawal by the individual.

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1 Sec. 9. NEW SECTION. 249J.9 FUTURE EXPANSION
2 POPULATION, BENEFITS, AND PROVIDER NETWORK GROWTH.

3 1. POPULATION. The department shall contract with
4 the division of insurance of the department of
5 commerce or another appropriate entity to track, on an
6 annual basis, the number of uninsured and underinsured
7 Iowans, the cost of private market insurance coverage,
8 and other barriers to access to private insurance for
9 Iowans. Based on these findings and available funds,
10 the department shall make recommendations, annually,
11 to the governor and the general assembly regarding
12 further expansion of the expansion population.

13 2. BENEFITS.

14 a. The department shall not provide services to
15 expansion population members that are in addition to
16 the services originally designated by the department
17 pursuant to section 249J.6, without express
18 authorization provided by the general assembly.

19 b. The department, upon the recommendation of the
20 clinicians advisory panel established pursuant to
21 section 249J.17, may change the scope and duration of
22 any of the available expansion population services,
23 but this subsection shall not be construed to
24 authorize the department to make expenditures in
25 excess of the amount appropriated for benefits for the
26 expansion population.

27 3. EXPANSION POPULATION PROVIDER NETWORK.

28 a. The department shall not expand the expansion
29 population provider network unless the department is
30 able to pay for expansion population services provided
31 by such providers at the full benefit recipient rates.

32 b. The department may limit access to the
33 expansion population provider network by the expansion
34 population to the extent the department deems
35 necessary to meet the financial obligations to each
36 provider under the expansion population provider
37 network. This subsection shall not be construed to
38 authorize the department to make any expenditure in
39 excess of the amount appropriated for benefits for the
40 expansion population.

41 Sec. 10. NEW SECTION. 249J.10 MAXIMIZATION OF
42 FUNDING FOR INDIGENT PATIENTS.

43 1. Unencumbered certified local matching funds may
44 be used to cover the state share of the cost of
45 services for the expansion population.

46 2. The department of human services shall include
47 in its annual budget submission, recommendations
48 relating to a disproportionate share hospital and
49 graduate medical education allocation plan that
50 maximizes the availability of federal funds for

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1 payments to hospitals for the care and treatment of
2 indigent patients.

3 3. If state and federal law and regulations so
4 provide and if federal disproportionate share hospital
5 funds and graduate medical education funds are
6 available under Title XIX of the federal Social
7 Security Act, federal disproportionate share hospital
8 funds and graduate medical education funds shall be
9 distributed as specified by the department.

10 DIVISION III

11 REBALANCING LONG-TERM CARE

12 Sec. 11. NEW SECTION. 249J.11 NURSING FACILITY
13 LEVEL OF CARE DETERMINATION FOR FACILITY-BASED AND
14 COMMUNITY-BASED SERVICES.

15 The department shall amend the medical assistance
16 state plan to provide for all of the following:

17 1. That nursing facility level of care services

18 under the medical assistance program shall be
19 available to an individual admitted to a nursing
20 facility on or after July 1, 2005, who meets
21 eligibility criteria for the medical assistance
22 program pursuant to section 249A.3, if the individual
23 also meets any of the following criteria:

24 a. Based upon the minimum data set, the individual
25 requires limited assistance, extensive assistance, or
26 has total dependence on assistance, provided by the
27 physical assistance of one or more persons, with three
28 or more activities of daily living as defined by the
29 minimum data set.

30 b. Based on the minimum data set, the individual
31 requires the establishment of a safe, secure
32 environment due to moderate or severe impairment of
33 cognitive skills for daily decision making.

34 c. The individual has established a dependency
35 requiring residency in a medical institution for more
36 than one year.

37 2. That an individual admitted to a nursing
38 facility prior to July 1, 2005, and an individual
39 applying for home and community-based services waiver
40 services at the nursing facility level of care on or
41 after July 1, 2005, who meets the eligibility criteria
42 for the medical assistance program pursuant to section
43 249A.3, shall also meet any of the following criteria:

44 a. Based on the minimum data set, the individual
45 requires supervision or limited assistance, provided
46 by the physical assistance of not more than one
47 person, for one or more activities of daily living as
48 defined by the minimum data set.

49 b. Based on the minimum data set, the individual
50 requires the establishment of a safe, secure

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1 environment due to modified independence or moderate
2 impairment of cognitive skills for daily decision
3 making.

4 3. That, beginning July 1, 2005, if nursing
5 facility level of care is determined to be medically
6 necessary for an individual and the individual meets
7 the nursing facility level of care requirements for
8 home and community-based services waiver services
9 under subsection 2, but appropriate home and
10 community-based services are not available to the
11 individual in the individual's community at the time
12 of the determination or the provision of available
13 home and community-based services to meet the skilled
14 care requirements of the individual is not cost-
15 effective, the criteria for admission of the
16 individual to a nursing facility for nursing facility

17 level of care services shall be the criteria in effect
 18 on June 30, 2005. The department of human services
 19 shall establish the standard for determining cost-
 20 effectiveness of home and community-based services
 21 under this subsection.

22 Sec. 12. NEW SECTION. 249J.12 SERVICES FOR
 23 PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL
 24 DISABILITIES.

25 1. The department, in cooperation with the Iowa
 26 state association of counties, the Iowa association of
 27 community providers, and other interested parties,
 28 shall develop a plan for a case-mix adjusted
 29 reimbursement system under the medical assistance
 30 program for both institution-based and community-based
 31 services for persons with mental retardation or
 32 developmental disabilities for submission to the
 33 general assembly by January 1, 2007. The department
 34 shall not implement the case-mix adjusted
 35 reimbursement system plan without express
 36 authorization by the general assembly.

37 2. The department, in consultation with the Iowa
 38 state association of counties, the Iowa association of
 39 community providers, and other interested parties,
 40 shall develop a plan for submission to the governor
 41 and the general assembly no later than July 1, 2007,
 42 to enhance alternatives for community-based care for
 43 individuals who would otherwise require care in an
 44 intermediate care facility for persons with mental
 45 retardation. The plan shall not be implemented
 46 without express authorization by the general assembly.

47 Sec. 13. NEW SECTION. 249J.13 CHILDREN'S MENTAL
 48 HEALTH WAIVER SERVICES.

49 The department shall provide medical assistance
 50 waiver services to not more than three hundred

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1 children who meet the eligibility criteria for the
 2 medical assistance program pursuant to section 249A.3
 3 and also meet both of the following criteria:

4 1. The child requires behavioral health care
 5 services and qualifies for the level of care provided
 6 by a psychiatric medical institution for children.

7 2. The child requires treatment to cure or
 8 alleviate a serious mental illness or disorder, or
 9 emotional damage as evidenced by severe anxiety,
 10 depression, withdrawal, or untoward aggressive
 11 behavior toward the child's self or others.

12 DIVISION IV

13 HEALTH PROMOTION PARTNERSHIPS

14 Sec. 14. NEW SECTION. 249J.14 HEALTH PROMOTION
 15 PARTNERSHIPS.

- 16 1. SERVICES FOR ADULTS AT STATE MENTAL HEALTH
17 INSTITUTES. Beginning July 1, 2005, inpatient and
18 outpatient hospital services at the state hospitals
19 for persons with mental illness designated pursuant to
20 section 226.1 shall be covered services under the
21 medical assistance program.
- 22 2. DIETARY COUNSELING. By July 1, 2006, the
23 department shall design and begin implementation of a
24 strategy to provide dietary counseling and support to
25 child and adult recipients of medical assistance and
26 to expansion population members to assist these
27 recipients and members in avoiding excessive weight
28 gain or loss and to assist in development of personal
29 weight loss programs for recipients and members
30 determined by the recipient's or member's health care
31 provider to be clinically overweight.
- 32 3. ELECTRONIC MEDICAL RECORDS. By October 1,
33 2006, the department shall develop a practical
34 strategy for expanding utilization of electronic
35 medical recordkeeping by providers under the medical
36 assistance program and the expansion population
37 provider network. The plan shall focus, initially, on
38 medical assistance program recipients and expansion
39 population members whose quality of care would be
40 significantly enhanced by the availability of
41 electronic medical recordkeeping.
- 42 4. PROVIDER INCENTIVE PAYMENT PROGRAMS. By
43 January 1, 2007, the department shall design and
44 implement a provider incentive payment program for
45 providers under the medical assistance program and
46 providers included in the expansion population
47 provider network based upon evaluation of public and
48 private sector models.
- 49 5. HEALTH ASSESSMENT FOR MEDICAL ASSISTANCE
50 RECIPIENTS WITH MENTAL RETARDATION OR DEVELOPMENTAL

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- 1 DISABILITIES. The department shall work with the
2 university of Iowa colleges of medicine, dentistry,
3 nursing, pharmacy, and public health, and the
4 university of Iowa hospitals and clinics to determine
5 whether the physical and dental health of recipients
6 of medical assistance who are persons with mental
7 retardation or developmental disabilities are being
8 regularly and fully addressed and to identify barriers
9 to such care. The department shall report the
10 department's findings to the governor and the general
11 assembly by January 1, 2007.
- 12 6. SMOKING CESSATION. The department shall
13 implement a program with the goal of reducing smoking
14 among recipients of medical assistance who are

15 children to less than one percent and among recipients
16 of medical assistance and expansion population members
17 who are adults to less than ten percent, by July 1,
18 2007.

19 7. DENTAL HOME FOR CHILDREN. By July 1, 2008,
20 every recipient of medical assistance who is a child
21 twelve years of age or younger shall have a designated
22 dental home and shall be provided with the dental
23 screenings and preventive care identified in the oral
24 health standards under the early and periodic
25 screening, diagnostic, and treatment program.

26 8. REPORTS. The department shall report on a
27 quarterly basis to the medical assistance projections
28 and assessment council established pursuant to section
29 249J.19 and the council created pursuant to section
30 249A.4, subsection 8, regarding the health promotion
31 partnerships described in this section.

32 DIVISION V

33 IOWA MEDICAID ENTERPRISE

34 Sec. 15. NEW SECTION. 249J.15 COST AND QUALITY
35 PERFORMANCE EVALUATION.

36 Beginning July 1, 2005, the department shall
37 contract with an independent consulting firm to do all
38 of the following:

39 1. Annually evaluate and compare the cost and
40 quality of care provided by the medical assistance
41 program and through the expansion population with the
42 cost and quality of care available through private
43 insurance and managed care organizations doing
44 business in the state.

45 2. Annually evaluate the improvements by the
46 medical assistance program and the expansion
47 population in the cost and quality of services
48 provided to Iowans over the cost and quality of care
49 provided in the prior year.

50 Sec. 16. NEW SECTION. 249J.16 OPERATIONS --

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1 PERFORMANCE EVALUATION.

2 Beginning July 1, 2006, the department shall submit
3 a report of the results of an evaluation of the
4 performance of each component of the Iowa Medicaid
5 enterprise using the performance standards contained
6 in the contracts with the Iowa Medicaid enterprise
7 partners.

8 Sec. 17. NEW SECTION. 249J.17 CLINICIANS
9 ADVISORY PANEL -- CLINICAL MANAGEMENT.

10 1. Beginning July 1, 2005, the medical director of
11 the Iowa Medicaid enterprise, with the approval of the
12 administrator of the division of medical services of
13 the department, shall assemble and act as chairperson

14 for a clinicians advisory panel to recommend to the
15 department clinically appropriate health care
16 utilization management and coverage decisions for the
17 medical assistance program and the expansion
18 population which are not otherwise addressed by the
19 Iowa medical assistance drug utilization review
20 commission created pursuant to section 249A.24 or the
21 medical assistance pharmaceutical and therapeutics
22 committee established pursuant to section 249A.20A.
23 The meetings shall be conducted in accordance with
24 chapter 21 and shall be open to the public except to
25 the extent necessary to prevent the disclosure of
26 confidential medical information.

27 2. The medical director of the Iowa Medicaid
28 enterprise shall report on a quarterly basis to the
29 medical assistance projections and assessment council
30 established pursuant to section 249J.19 and the
31 council created pursuant to section 294A.4, subsection
32 8, any recommendations made by the panel and adopted
33 by rule of the department pursuant to chapter 17A
34 regarding clinically appropriate health care
35 utilization management and coverage under the medical
36 assistance program and the expansion population.

37 3. The medical director of the Iowa Medicaid
38 enterprise shall prepare an annual report summarizing
39 the recommendations made by the panel and adopted by
40 rule of the department regarding clinically
41 appropriate health care utilization management and
42 coverage under the medical assistance program and the
43 expansion population.

44 Sec. 18. NEW SECTION. 249J.18 HEALTH CARE
45 SERVICES PRICING AND REIMBURSEMENT OF PROVIDERS.

46 The department shall annually collect data on
47 third-party payor rates in the state and, as
48 appropriate, the usual and customary charges of health
49 care providers, including the reimbursement rates paid
50 to providers and by third-party payors participating

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1 in the medical assistance program and through the
2 expansion population. The department shall consult
3 with the division of insurance of the department of
4 commerce in adopting administrative rules specifying
5 the reporting format and guaranteeing the
6 confidentiality of the information provided by the
7 providers and third-party payors. The department
8 shall review the data and make recommendations to the
9 governor and the general assembly regarding pricing
10 changes and reimbursement rates annually by January 1.
11 Any recommended pricing changes or changes in
12 reimbursement rates shall not be implemented without

13 express authorization by the general assembly.

14 DIVISION VI

15 GOVERNANCE

16 Sec. 19. NEW SECTION. 249J.19 MEDICAL ASSISTANCE
17 PROJECTIONS AND ASSESSMENT COUNCIL.

18 1. A medical assistance projections and assessment
19 council is created consisting of the following
20 members:

21 a. The co-chairpersons and ranking members of the
22 legislative joint appropriations subcommittee on
23 health and human services, or a member of the
24 appropriations subcommittee designated by the co-
25 chairperson or ranking member.

26 b. The chairpersons and ranking members of the
27 human resources committees of the senate and the house
28 of representatives, or a member of the committee
29 designated by the chairperson or ranking member.

30 c. The chairpersons and ranking members of the
31 appropriations committees of the senate and the house
32 of representatives, or a member of the committee
33 designated by the chairperson or ranking member.

34 2. The council shall meet as often as deemed
35 necessary, but shall meet at least quarterly. The
36 council may use sources of information deemed
37 appropriate, and the department and other agencies of
38 state government shall provide information to the
39 council as requested. The legislative services agency
40 shall provide staff support to the council.

41 3. The council shall select a chairperson,
42 annually, from its membership. A majority of the
43 members of the council shall constitute a quorum.

44 4. The council shall do all of the following:

45 a. Make quarterly cost projections for the medical
46 assistance program and the expansion population.

47 b. Review quarterly reports on all initiatives
48 under this chapter, including those provisions in the
49 design, development, and implementation phases, and
50 make additional recommendations for medical assistance

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1 program and expansion population reform on an annual
2 basis.

3 c. Review annual audited financial statements
4 relating to the expansion population submitted by the
5 providers included in the expansion population
6 provider network.

7 d. Review quarterly reports on the success of the
8 Iowa Medicaid enterprise based upon the contractual
9 performance measures for each Iowa Medicaid enterprise
10 partner.

11 e. Assure that the expansion population is managed

12 at all times within funding limitations. In assuring
 13 such compliance, the council shall assume that
 14 supplemental funding will not be available for
 15 coverage of services provided to the expansion
 16 population.

17 5. The department of human services, the
 18 department of management, and the legislative services
 19 agency shall utilize a joint process to arrive at an
 20 annual consensus projection for medical assistance
 21 program and expansion population expenditures for
 22 submission to the council. By December 15 of each
 23 fiscal year, the council shall agree to a projection
 24 of expenditures for the fiscal year beginning the
 25 following July 1, based upon the consensus projection
 26 submitted.

27 DIVISION VII

28 ENHANCING THE FEDERAL-STATE FINANCIAL PARTNERSHIP
 29 Sec. 20. NEW SECTION. 249J.20 PAYMENTS TO HEALTH
 30 CARE PROVIDERS BASED ON ACTUAL COSTS.

31 Payments, including graduate medical education
 32 payments, under the medical assistance program and the
 33 expansion population to each public hospital and each
 34 public nursing facility shall not exceed the actual
 35 medical assistance costs of each such facility
 36 reported on the Medicare hospital and hospital health
 37 care complex cost report submitted to the centers for
 38 Medicare and Medicaid services of the United States
 39 department of health and human services. Each public
 40 hospital and each public nursing facility shall retain
 41 one hundred percent of the medical assistance payments
 42 earned under state reimbursement rules. State
 43 reimbursement rules may provide for reimbursement at
 44 less than actual cost.

45 Sec. 21. NEW SECTION. 249J.21 INDEPENDENT ANNUAL
 46 AUDIT.

47 The department shall contract with a certified
 48 public accountant to provide an analysis, on an annual
 49 basis, to the governor and the general assembly
 50 regarding compliance of the Iowa medical assistance

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1 program with each of the following:

2 1. That the state has not instituted any new
 3 provider taxes as defined by the centers for Medicare
 4 and Medicaid services of the United States department
 5 of health and human services.

6 2. That public hospitals and public nursing
 7 facilities are not paid more than the actual costs of
 8 care for medical assistance program and
 9 disproportionate share hospital program recipients
 10 based upon Medicare program principles of accounting

11 and cost reporting.

12 3. That the state is not recycling federal funds
13 provided under Title XIX of the Social Security Act as
14 defined by the centers for Medicare and Medicaid
15 services of the United States department of health and
16 human services.

17 Sec. 22. NEW SECTION. 249J.22 ACCOUNT FOR HEALTH
18 CARE TRANSFORMATION.

19 1. An account for health care transformation is
20 created in the state treasury under the authority of
21 the department. Moneys received through the physician
22 payment adjustment as described in 2003 Iowa Acts,
23 chapter 112, section 11, subsection 1, and through the
24 adjustment to hospital payments to provide an
25 increased base rate to offset the high costs incurred
26 for providing services to medical assistance patients
27 as described in 2004 Iowa Acts, chapter 1175, section
28 86, subsection 2, paragraph "b", shall be deposited in
29 the account. The account shall include a separate
30 premiums subaccount. Revenue generated through
31 payment of premiums by expansion population members as
32 required pursuant to section 249J.8 shall be deposited
33 in the separate premiums subaccount within the
34 account.

35 2. Moneys in the account shall be separate from
36 the general fund of the state and shall not be
37 considered part of the general fund of the state. The
38 moneys deposited in the account are not subject to
39 section 8.33 and shall not be transferred, used,
40 obligated, appropriated, or otherwise encumbered,
41 except to provide for the purposes specified in this
42 section. Notwithstanding section 12C.7, subsection 2,
43 interest or earnings on moneys deposited in the
44 account shall be credited to the account.

45 3. Moneys deposited in the account for health care
46 transformation shall be used only as provided in
47 appropriations from the account for the costs
48 associated with certain services provided to the
49 expansion population pursuant to section 249J.6,
50 certain initiatives to be designed pursuant to section

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1 249J.8, the case-mix adjusted reimbursement system for
2 persons with mental retardation or developmental
3 disabilities pursuant to section 249J.12, certain
4 health promotion partnership activities pursuant to
5 section 249J.14, the cost and quality performance
6 evaluation pursuant to section 249J.15, auditing
7 requirements pursuant to section 249J.21, the
8 provision of additional indigent patient care and
9 treatment, and administrative costs associated with

10 this chapter.

11 Sec. 23. NEW SECTION. 249J.23 IOWACARE ACCOUNT.

12 1. An Iowacare account is created in the state
13 treasury under the authority of the department of
14 human services. Moneys appropriated from the general
15 fund of the state to the account, moneys received as
16 federal financial participation funds under the
17 expansion population provisions of this chapter and
18 credited to the account, moneys received for
19 disproportionate share hospitals and credited to the
20 account, moneys received for graduate medical
21 education and credited to the account, proceeds
22 transferred from the county treasurer as specified in
23 subsection 6, and moneys from any other source
24 credited to the account shall be deposited in the
25 account. Moneys deposited in or credited to the
26 account shall be used only as provided in
27 appropriations or distributions from the account for
28 the purposes specified in the appropriation or
29 distribution. Moneys in the account shall be
30 appropriated to the university of Iowa hospitals and
31 clinics, to a publicly owned acute care teaching
32 hospital located in a county with a population over
33 three hundred fifty thousand, and to the state
34 hospitals for persons with mental illness designated
35 pursuant to section 226.1 for the purposes provided in
36 the federal law making the funds available or as
37 specified in the state appropriation and shall be
38 distributed as determined by the department.

39 2. The account shall be separate from the general
40 fund of the state and shall not be considered part of
41 the general fund of the state. The moneys in the
42 account shall not be considered revenue of the state,
43 but rather shall be funds of the account. The moneys
44 in the account are not subject to section 8.33 and
45 shall not be transferred, used, obligated,
46 appropriated, or otherwise encumbered, except to
47 provide for the purposes of this chapter.
48 Notwithstanding section 12C.7, subsection 2, interest
49 or earnings on moneys deposited in the account shall
50 be credited to the account.

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1 3. The department shall adopt rules pursuant to
2 chapter 17A to administer the account.

3 4. The treasurer of state shall provide a
4 quarterly report of activities and balances of the
5 account to the director.

6 5. Notwithstanding section 262.28, payments to be
7 made to participating public hospitals under this
8 section may be made on a prospective basis in twelve

9 equal monthly installments. After the close of the
10 fiscal year, the department shall determine the amount
11 of the payments attributable to the state general
12 fund, federal financial participation funds collected
13 for expansion population services, graduate medical
14 education funds, and disproportionate share hospital
15 funds, based on claims data and actual expenditures.

16 6. Notwithstanding any provision to the contrary,
17 from each semiannual collection of taxes levied under
18 section 347.7 for which the collection is performed
19 after July 1, 2005, the county treasurer of a county
20 with a population over three hundred fifty thousand in
21 which a publicly owned acute care teaching hospital is
22 located shall transfer the proceeds collected pursuant
23 to section 347.7 in a total amount of thirty-four
24 million dollars annually, which would otherwise be
25 distributed to the county hospital, to the treasurer
26 of state for deposit in the Iowacare account under
27 this section. The board of trustees of the acute care
28 teaching hospital identified in this subsection and
29 the department shall execute an agreement under
30 chapter 28E by July 1, 2005, to specify the
31 requirements relative to transfer of the proceeds and
32 the distribution of moneys to the hospital from the
33 Iowacare account. The agreement may also include a
34 provision allowing such hospital to limit access to
35 such hospital by expansion population members based on
36 residency of the member, if such provision reflects
37 the policy of such hospital regarding indigent
38 patients existing on April 1, 2005, as adopted by its
39 board of hospital trustees pursuant to section 347.14,
40 subsection 4.

41 7. The state board of regents, on behalf of the
42 university of Iowa hospitals and clinics, and the
43 department shall execute an agreement under chapter
44 28E by July 1, 2005, to specify the requirements
45 relating to distribution of moneys to the hospital
46 from the Iowacare account.

47 8. The state and any county utilizing the acute
48 care teaching hospital located in a county with a
49 population over three hundred fifty thousand for
50 mental health services prior to July 1, 2005, shall

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1 annually enter into an agreement with such hospital to
2 pay a per diem amount that is not less than the per
3 diem amount paid for those mental health services in
4 effect for the fiscal year beginning July 1, 2004, for
5 each individual including each expansion population
6 member accessing mental health services at that
7 hospital on or after July 1, 2005. Any payment made

8 under such agreement for an expansion population
 9 member pursuant to this chapter, shall be considered
 10 by the department to be payment by a third-party
 11 payor.

12 DIVISION VIII

13 LIMITATIONS

14 Sec. 24. NEW SECTION. 249J.24 LIMITATIONS.

15 1. The provisions of this chapter shall not be
 16 construed, are not intended as, and shall not imply a
 17 grant of entitlement for services to individuals who
 18 are eligible for assistance under this chapter or for
 19 utilization of services that do not exist or are not
 20 otherwise available on the effective date of this Act.
 21 Any state obligation to provide services pursuant to
 22 this chapter is limited to the extent of the funds
 23 appropriated or distributed for the purposes of this
 24 chapter.

25 2. The provisions of this chapter shall not be
 26 construed and are not intended to affect the provision
 27 of services to recipients of medical assistance
 28 existing on the effective date of this Act.

29 Sec. 25. NEW SECTION. 249J.25 AUDIT – FUTURE
 30 REPEAL.

31 1. The state auditor shall complete an audit of
 32 the provisions implemented pursuant to this chapter
 33 during the fiscal year beginning July 1, 2009, and
 34 shall submit the results of the audit to the governor
 35 and the general assembly by January 1, 2010.

36 2. This chapter is repealed June 30, 2010.

37 Sec. 26. IMPLEMENTATION COSTS. Payment of any
 38 one-time costs specifically associated with the
 39 implementation of chapter 249J, as enacted in this
 40 Act, shall be made in the manner specified by, and at
 41 the discretion of, the department.

42 DIVISION IX

43 CORRESPONDING PROVISIONS

44 Sec. 27. Section 97B.52A, subsection 1, paragraph
 45 c, Code 2005, is amended to read as follows:

46 c. For a member whose first month of entitlement
 47 is July 2000 or later, the member does not return to
 48 any employment with a covered employer until the
 49 member has qualified for at least one calendar month
 50 of retirement benefits, and the member does not return

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1 to covered employment until the member has qualified
 2 for no fewer than four calendar months of retirement
 3 benefits. For purposes of this paragraph, effective
 4 July 1, 2000, any employment with a covered employer
 5 does not include employment as an elective official or
 6 member of the general assembly if the member is not

7 covered under this chapter for that employment. For
8 purposes of determining a bona fide retirement under
9 this paragraph and for a member whose first month of
10 entitlement is July 2004 or later, but before July
11 2006, covered employment does not include employment
12 as a licensed health care professional by a public
13 hospital as defined in section ~~249I.3~~ 249J.3, with the
14 exception of public hospitals governed pursuant to
15 chapter 226.

16 Sec. 28. Section 218.78, subsection 1, Code 2005,
17 is amended to read as follows:

18 1. All institutional receipts of the department of
19 human services, including funds received from client
20 participation at the state resource centers under
21 section 222.78 and at the state mental health
22 institutes under section 230.20, shall be deposited in
23 the general fund except for reimbursements for
24 services provided to another institution or state
25 agency, for receipts deposited in the revolving farm
26 fund under section 904.706, for deposits into the
27 medical assistance fund under section 249A.11, for any
28 deposits into the medical assistance fund of any
29 medical assistance payments received through the
30 expansion population program pursuant to chapter 249J,
31 and rentals charged to employees or others for room,
32 apartment, or house and meals, which shall be
33 available to the institutions.

34 Sec. 29. Section 230.20, subsection 2, paragraph
35 a, Code 2005, is amended to read as follows:

36 a. The superintendent shall certify to the
37 department the billings to each county for services
38 provided to patients chargeable to the county during
39 the preceding calendar quarter. The county billings
40 shall be based on the average daily patient charge and
41 other service charges computed pursuant to subsection
42 1, and the number of inpatient days and other service
43 units chargeable to the county. However, a county
44 billing shall be decreased by an amount equal to
45 reimbursement by a third party payor or estimation of
46 such reimbursement from a claim submitted by the
47 superintendent to the third party payor for the
48 preceding calendar quarter. When the actual third
49 party payor reimbursement is greater or less than
50 estimated, the difference shall be reflected in the

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1 county billing in the calendar quarter the actual
2 third party payor reimbursement is determined. For
3 the purposes of this paragraph, "third-party payor
4 reimbursement" does not include reimbursement provided
5 under chapter 249J.

6 Sec. 30. Section 230.20, subsections 5 and 6, Code
7 2005, are amended to read as follows:

8 5. An individual statement shall be prepared for a
9 patient on or before the fifteenth day of the month
10 following the month in which the patient leaves the
11 mental health institute, and a general statement shall
12 be prepared at least quarterly for each county to
13 which charges are made under this section. Except as
14 otherwise required by sections 125.33 and 125.34 the
15 general statement shall list the name of each patient
16 chargeable to that county who was served by the mental
17 health institute during the preceding month or
18 calendar quarter, the amount due on account of each
19 patient, and the specific dates for which any third
20 party payor reimbursement received by the state is
21 applied to the statement and billing, and the county
22 shall be billed for eighty percent of the stated
23 charge for each patient specified in this subsection.
24 For the purposes of this subsection, "third-party
25 payor reimbursement" does not include reimbursement
26 provided under chapter 249J. The statement prepared
27 for each county shall be certified by the department
28 and a duplicate statement shall be mailed to the
29 auditor of that county.

30 6. All or any reasonable portion of the charges
31 incurred for services provided to a patient, to the
32 most recent date for which the charges have been
33 computed, may be paid at any time by the patient or by
34 any other person on the patient's behalf. Any payment
35 ~~so made by the patient or other person~~, and any
36 federal financial assistance received pursuant to
37 Title XVIII or XIX of the federal Social Security Act
38 for services rendered to a patient, shall be credited
39 against the patient's account and, if the charges ~~so~~
40 paid as described in this subsection have previously
41 been billed to a county, reflected in the mental
42 health institute's next general statement to that
43 county. However, any payment made under chapter 249J
44 shall not be reflected in the mental health
45 institute's next general statement to that county.

46 Sec. 31. Section 249A.11, Code 2005, is amended to
47 read as follows:

48 249A.11 PAYMENT FOR PATIENT CARE SEGREGATED.

49 A state resource center or mental health institute,
50 upon receipt of any payment made under this chapter

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1 for the care of any patient, shall segregate an amount
2 equal to that portion of the payment which is required
3 by law to be made from nonfederal funds except for any
4 nonfederal funds received through the expansion

5 population program pursuant to chapter 249J which
6 shall be deposited in the Iowacare account created
7 pursuant to section 249J.23. The money segregated
8 shall be deposited in the medical assistance fund of
9 the department of human services.

10 Sec. 32. Section 249H.4, Code 2005, is amended by
11 adding the following new subsection:

12 NEW SUBSECTION. 7. The director shall amend the
13 medical assistance state plan to eliminate the
14 mechanism to secure funds based on skilled nursing
15 facility prospective payment methodologies under the
16 medical assistance program and to terminate agreements
17 entered into with public nursing facilities under this
18 chapter, effective June 30, 2005.

19 Sec. 33. 2004 Iowa Acts, chapter 1175, section 86,
20 subsection 2, paragraph b, unnumbered paragraph 2, and
21 subparagraphs (1), (2), and (3), are amended to read
22 as follows:

23 Of the amount appropriated in this lettered
24 paragraph, \$25,950,166 shall be considered encumbered
25 and shall not be expended for any purpose until
26 January 1, 2005.

27 (1) ~~However, if If~~ the department of human
28 services adjusts hospital payments to provide an
29 increased base rate to offset the high cost incurred
30 for providing services to medical assistance patients
31 on or prior to January July 1, 2005, a portion of the
32 amount specified in this unnumbered paragraph equal to
33 the increased Medicaid payment shall ~~revert to the~~
34 ~~general fund of the state. Notwithstanding section~~
35 ~~8.54, subsection 7, the amount required to revert~~
36 ~~under this subparagraph shall not be considered to be~~
37 ~~appropriated for purposes of the state general fund~~
38 ~~expenditure limitation for the fiscal year beginning~~
39 ~~July 1, 2004.~~

40 (2) ~~If the adjustment described in subparagraph~~
41 ~~(1) to increase the base rate is not made prior to~~
42 ~~January 1, 2005, the amount specified in this~~
43 ~~unnumbered paragraph shall no longer be considered~~
44 ~~encumbered, may be expended, and shall be available~~
45 ~~for the purposes originally specified be transferred~~
46 ~~by the university of Iowa hospitals and clinics to the~~
47 ~~medical assistance fund of the department of human~~
48 ~~services. Of the amount transferred, an amount equal~~
49 ~~to the federal share of the payments shall be~~
50 ~~transferred to the account for health care~~

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1 transformation created in section 249J.22.

2 ~~(3) (2)~~ Any incremental increase in the base rate
3 made pursuant to subparagraph (1) shall not be used in

4 determining the university of Iowa hospital and
5 clinics disproportionate share rate or when
6 determining the statewide average base rate for
7 purposes of calculating indirect medical education
8 rates.

9 Sec. 34. 2003 Iowa Acts, chapter 112, section 11,
10 subsection 1, is amended to read as follows:

11 1. For the fiscal year ~~years~~ beginning July 1,
12 2003, and ending June 30, 2004, and beginning July 1,
13 2004, and for each fiscal year thereafter ending June
14 30, 2005, the department of human services shall
15 institute a supplemental payment adjustment applicable
16 to physician services provided to medical assistance
17 recipients at publicly owned acute care teaching
18 hospitals. The adjustment shall generate supplemental
19 payments to physicians which are equal to the
20 difference between the physician's charge and the
21 physician's fee schedule under the medical assistance
22 program. To the extent of the supplemental payments,
23 a qualifying hospital shall, after receipt of the
24 payments, transfer to the department of human services
25 an amount equal to the actual supplemental payments
26 that were made in that month. The department of human
27 services shall deposit these payments in the
28 department's medical assistance account. The
29 department of human services shall amend the medical
30 assistance state plan as necessary to implement this
31 section. The department may adopt emergency rules to
32 implement this section. The department of human
33 services shall amend the medical assistance state plan
34 to eliminate this provision effective June 30, 2005.

35 Sec. 35. CORRESPONDING DIRECTIVES TO DEPARTMENT.

36 The department shall do all of the following:

37 1. Withdraw the request for the waiver and the
38 medical assistance state plan amendment submitted to
39 the centers for Medicare and Medicaid services of the
40 United States department of health and human services
41 regarding the nursing facility quality assurance
42 assessment as directed pursuant to 2003 Iowa Acts,
43 chapter 112, section 4, 2003 Iowa Acts, chapter 179,
44 section 162, and 2004 Iowa Acts, chapter 1085,
45 sections 8, 10, and 11.

46 2. Amend the medical assistance state plan to
47 eliminate the mechanism to secure funds based on
48 hospital inpatient and outpatient prospective payment
49 methodologies under the medical assistance program,
50 effective June 30, 2005.

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1 3. Amend the medical assistance state plan to
2 eliminate the mechanisms to receive supplemental

3 disproportionate share hospital and graduate medical
4 education funds as originally submitted, effective
5 June 30, 2005.

6 4. Amend the medical assistance state plan
7 amendment to adjust hospital payments to provide an
8 increased base rate to offset the high cost incurred
9 for providing services to medical assistance patients
10 at the university of Iowa hospitals and clinics as
11 originally submitted based upon the specifications of
12 2004 Iowa Acts, chapter 1175, section 86, subsection
13 2, paragraph "b", unnumbered paragraph 2, and
14 subparagraphs (1),(2), and (3), to be approved for the
15 fiscal year beginning July 1 2004, and ending June 30,
16 2005, only, and to be eliminated June 30, 2005.

17 5. Amend the medical assistance state plan
18 amendment to establish a physician payment adjustment
19 from the university of Iowa hospitals and clinics, as
20 originally submitted as described in 2003 Iowa Acts,
21 chapter 112, section 11, subsection 1, to be approved
22 for the state fiscal years beginning July 1, 2003, and
23 ending June 30, 2004, and beginning July 1, 2004, and
24 ending June 30, 2005, and to be eliminated effective
25 June 30, 2005.

26 6. Amend the medical assistance state plan to
27 eliminate the mechanism to secure funds based on
28 skilled nursing facility prospective payment
29 methodologies under the medical assistance program,
30 effective June 30, 2005.

31 7. Request a waiver from the centers for Medicare
32 and Medicaid services of the United States department
33 of health and human services of the provisions
34 relating to the early and periodic screening,
35 diagnostic, and treatment program requirements as
36 described in section 1905(a)(5) of the federal Social
37 Security Act relative to the expansion population.

38 Sec. 36. Chapter 249I, Code 2005, is repealed.
39 Sec. 37. Sections 249A.20B and 249A.34, Code 2005,
40 are repealed.

41 Sec. 38. 2003 Iowa Acts, chapter 112, section 4,
42 2003 Iowa Acts, chapter 179, section 162, and 2004
43 Iowa Acts, chapter 1085, section 8, and section 10,
44 subsection 5, are repealed.

45 DIVISION X

46 PHARMACY COPAYMENTS

47 Sec. 39. COPAYMENTS FOR PRESCRIPTION DRUGS UNDER
48 THE MEDICAL ASSISTANCE PROGRAM. The department of
49 human services shall require recipients of medical
50 assistance to pay the following copayments on each

2 including each refill of such prescription, as
3 follows:

- 4 1. A copayment of \$1 for each covered generic
5 prescription drug not included on the prescription
6 drug list.
- 7 2. A copayment of \$1 for each covered brand-name
8 or generic prescription drug included on the
9 prescription drug list.
- 10 3. A copayment of \$1 for each covered brand-name
11 prescription drug not included on the prescription
12 drug list for which the cost to the state is up to and
13 including \$25.
- 14 4. A copayment of \$2 for each covered brand-name
15 prescription drug not included on the prescription
16 drug list for which the cost to the state is more than
17 \$25 and up to and including \$50.
- 18 5. A copayment of \$3 for each covered brand-name
19 prescription drug not included on the preferred drug
20 list for which the cost to the state is more than \$50.

21 DIVISION XI

22 MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS 23 AND OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE

24 Sec. 40. NEW SECTION. 135.152 STATEWIDE 25 OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE PROGRAM.

26 1. The department shall establish a statewide
27 obstetrical and newborn indigent patient care program
28 to provide obstetrical and newborn care to medically
29 indigent residents of this state at the appropriate
30 and necessary level, at a licensed hospital or health
31 care facility closest and most available to the
32 residence of the indigent individual.

33 2. The department shall administer the program,
34 and appropriations by the general assembly for the
35 program shall be allocated to the obstetrical and
36 newborn patient care fund within the department to be
37 utilized for the obstetrical and newborn indigent
38 patient care program.

39 3. The department shall adopt administrative rules
40 pursuant to chapter 17A to administer the program.

41 4. The department shall establish a patient quota
42 formula for determining the maximum number of
43 obstetrical and newborn patients eligible for the
44 program, annually, from each county. The formula used
45 shall be based upon the annual appropriation for the
46 program, the average number of live births in each
47 county for the most recent three-year period, and the
48 per capita income for each county for the most recent
49 year. The formula shall also provide for reassignment
50 of an unused county quota allotment on April 1 of each

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1 year.

2 5. a. The department, in collaboration with the
3 department of human services and the Iowa state
4 association of counties, shall adopt rules pursuant to
5 chapter 17A to establish minimum standards for
6 eligibility for obstetrical and newborn care,
7 including physician examinations, medical testing,
8 ambulance services, and inpatient transportation
9 services under the program. The minimum standards
10 shall provide that the individual is not otherwise
11 eligible for assistance under the medical assistance
12 program or for assistance under the medically needy
13 program without a spend-down requirement pursuant to
14 chapter 249A, or for expansion population benefits
15 pursuant to chapter 249J. If the individual is
16 eligible for assistance pursuant to chapter 249A or
17 249J, or if the individual is eligible for maternal
18 and child health care services covered by a maternal
19 and child health program, the obstetrical and newborn
20 indigent patient care program shall not provide the
21 assistance, care, or covered services provided under
22 the other program.

23 b. The minimum standards for eligibility shall
24 provide eligibility for persons with family incomes at
25 or below one hundred eighty-five percent of the
26 federal poverty level as defined by the most recently
27 revised poverty income guidelines published by the
28 United States department of health and human services,
29 and shall provide, but shall not be limited to
30 providing, eligibility for uninsured and underinsured
31 persons financially unable to pay for necessary
32 obstetrical and newborn care. The minimum standards
33 may include a spend-down provision. The resource
34 standards shall be set at or above the resource
35 standards under the federal supplemental security
36 income program. The resource exclusions allowed under
37 the federal supplemental security income program shall
38 be allowed and shall include resources necessary for
39 self-employment.

40 c. The department in cooperation with the
41 department of human services, shall develop a
42 standardized application form for the program and
43 shall coordinate the determination of eligibility for
44 the medical assistance and medically needy programs
45 under chapter 249A, the medical assistance expansion
46 under chapter 249J, and the obstetrical and newborn
47 indigent patient care program.

48 6. The department shall establish application
49 procedures and procedures for certification of an
50 individual for obstetrical and newborn care under this

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1 section.

2 7. An individual certified for obstetrical and
3 newborn care under this division may choose to receive
4 the appropriate level of care at any licensed hospital
5 or health care facility.

6 8. The obstetrical and newborn care costs of an
7 individual certified for such care under this division
8 at a licensed hospital or health care facility or from
9 licensed physicians shall be paid by the department
10 from the obstetrical and newborn patient care fund.

11 9. All providers of services to obstetrical and
12 newborn patients under this division shall agree to
13 accept as full payment the reimbursements allowable
14 under the medical assistance program established
15 pursuant to chapter 249A, adjusted for intensity of
16 care.

17 10. The department shall establish procedures for
18 payment for providers of services to obstetrical and
19 newborn patients under this division from the
20 obstetrical and newborn patient care fund. All
21 billings from such providers shall be submitted
22 directly to the department. However, payment shall
23 not be made unless the requirements for application
24 and certification for care pursuant to this division
25 and rules adopted by the department are met.

26 11. Moneys encumbered prior to June 30 of a fiscal
27 year for a certified eligible pregnant woman scheduled
28 to deliver in the next fiscal year shall not revert
29 from the obstetrical and newborn patient care fund to
30 the general fund of the state. Moneys allocated to
31 the obstetrical and newborn patient care fund shall
32 not be transferred nor voluntarily reverted from the
33 fund within a given fiscal year.

34 Sec. 41. Section 135B.31, Code 2005, is amended to
35 read as follows:

36 135B.31 EXCEPTIONS.

37 ~~Nothing in this~~ This division is not intended or
38 ~~should and shall not~~ affect in any way ~~that the~~
39 obligation of public hospitals under chapter 347 or
40 municipal hospitals, ~~as well as the state hospital at~~
41 ~~Iowa City, to provide medical or obstetrical and~~
42 ~~newborn care for indigent persons under chapter 255 or~~
43 ~~255A, wherein medical care or treatment is provided by~~
44 ~~hospitals of that category~~ to patients of certain
45 entitlement, nor to the operation by the state of
46 mental or other hospitals authorized by law. ~~Nothing~~
47 ~~herein~~ This division shall not in any way affect or
48 limit the practice of dentistry or the practice of
49 oral surgery by a dentist.

50 Sec. 42. Section 144.13A, subsection 3, Code 2005,

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1 is amended to read as follows:

2 3. If the person responsible for the filing of the
3 certificate of birth under section 144.13 is not the
4 parent, the person is entitled to collect the fee from
5 the parent. The fee shall be remitted to the state
6 registrar. If the expenses of the birth are
7 reimbursed under the medical assistance program
8 established by chapter 249A, ~~or paid for under the~~
9 ~~statewide indigent patient care program established by~~
10 ~~chapter 255, or paid for under the obstetrical and~~
11 ~~newborn indigent patient care program established by~~
12 ~~chapter 255A, or if the parent is indigent and unable~~
13 to pay the expenses of the birth and no other means of
14 payment is available to the parent, the registration
15 fee and certified copy fee are waived. If the person
16 responsible for the filing of the certificate is not
17 the parent, the person is discharged from the duty to
18 collect and remit the fee under this section if the
19 person has made a good faith effort to collect the fee
20 from the parent.

21 Sec. 43. Section 249A.4, subsection 12, Code 2005,
22 is amended by striking the subsection.

23 UNIVERSITY OF IOWA HOSPITALS AND CLINICS

24 Sec. 44. NEW SECTION. 263.18 TREATMENT OF
25 PATIENTS – USE OF EARNINGS FOR NEW FACILITIES.

26 1. The university of Iowa hospitals and clinics
27 authorities may at their discretion receive patients
28 into the hospital for medical, obstetrical, or
29 surgical treatment or hospital care. The university
30 of Iowa hospitals and clinics ambulances and ambulance
31 personnel may be used for the transportation of such
32 patients at a reasonable charge if specialized
33 equipment is required.

34 2. The university of Iowa hospitals and clinics
35 authorities shall collect from the person or persons
36 liable for support of such patients reasonable charges
37 for hospital care and service and deposit payment of
38 the charges with the treasurer of the university for
39 the use and benefit of the university of Iowa
40 hospitals and clinics.

41 3. Earnings of the university of Iowa hospitals
42 and clinics shall be administered so as to increase,
43 to the greatest extent possible, the services
44 available for patients, including acquisition,
45 construction, reconstruction, completion, equipment,
46 improvement, repair, and remodeling of medical
47 buildings and facilities, additions to medical
48 buildings and facilities, and the payment of principal
49 and interest on bonds issued to finance the cost of
50 medical buildings and facilities as authorized by the

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1 provisions of chapter 263A.

2 4. The physicians and surgeons on the staff of the
3 university of Iowa hospitals and clinics who care for
4 patients provided for in this section may charge for
5 the medical services provided under such rules,
6 regulations, and plans approved by the state board of
7 regents. However, a physician or surgeon who provides
8 treatment or care for an expansion population member
9 pursuant to chapter 249J shall not charge or receive
10 any compensation for the treatment or care except the
11 salary or compensation fixed by the state board of
12 regents to be paid from the hospital fund.

13 Sec. 45. NEW SECTION. 263.19 PURCHASES.

14 Any purchase in excess of ten thousand dollars, of
15 materials, appliances, instruments, or supplies by the
16 university of Iowa hospitals and clinics, when the
17 price of the materials, appliances, instruments, or
18 supplies to be purchased is subject to competition,
19 shall be made pursuant to open competitive quotations,
20 and all contracts for such purchases shall be subject
21 to chapter 72. However, purchases may be made through
22 a hospital group purchasing organization provided that
23 the university of Iowa hospitals and clinics is a
24 member of the organization and the group purchasing
25 organization selects the items to be offered to
26 members through a competitive bidding process.

27 Sec. 46. NEW SECTION. 263.20 COLLECTING AND
28 SETTling CLAIMS FOR CARE.

29 Whenever a patient or person legally liable for the
30 patient's care at the university of Iowa hospitals and
31 clinics has insurance, an estate, a right of action
32 against others, or other assets, the university of
33 Iowa hospitals and clinics, through the facilities of
34 the office of the attorney general, may file claims,
35 institute or defend suit in court, and use other legal
36 means available to collect accounts incurred for the
37 care of the patient, and may compromise, settle, or
38 release such actions under the rules and procedures
39 prescribed by the president of the university and the
40 office of the attorney general. If a county has paid
41 any part of such patient's care, a pro rata amount
42 collected, after deduction for cost of collection,
43 shall be remitted to the county and the balance shall
44 be credited to the hospital fund.

45 Sec. 47. NEW SECTION. 263.21 TRANSFER OF
46 PATIENTS FROM STATE INSTITUTIONS.

47 The director of the department of human services,
48 in respect to institutions under the director's
49 control, the administrator of any of the divisions of
50 the department, in respect to the institutions under

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1 the administrator's control, the director of the
2 department of corrections, in respect to the
3 institutions under the department's control, and the
4 state board of regents, in respect to the Iowa braille
5 and sight saving school and the Iowa school for the
6 deaf, may send any inmate, student, or patient of an
7 institution, or any person committed or applying for
8 admission to an institution, to the university of Iowa
9 hospitals and clinics for treatment and care. The
10 department of human services, the department of
11 corrections, and the state board of regents shall
12 respectively pay the traveling expenses of such
13 patient, and when necessary the traveling expenses of
14 an attendant for the patient, out of funds
15 appropriated for the use of the institution from which
16 the patient is sent.

17 Sec. 48. NEW SECTION. 263.22 MEDICAL CARE FOR
18 PAROLEES AND PERSONS ON WORK RELEASE.

19 The director of the department of corrections may
20 send former inmates of the institutions provided for
21 in section 904.102, while on parole or work release,
22 to the university of Iowa hospitals and clinics for
23 treatment and care. The director may pay the
24 traveling expenses of any such patient, and when
25 necessary the traveling expenses of an attendant of
26 the patient, out of funds appropriated for the use of
27 the department of corrections.

28 Sec. 49. Section 271.6, Code 2005, is amended to
29 read as follows:

30 271.6 INTEGRATED TREATMENT OF UNIVERSITY HOSPITAL
31 PATIENTS.

32 The authorities of the Oakdale campus may authorize
33 patients for admission to the hospital on the Oakdale
34 campus who are referred from the university hospitals
35 and who shall retain the same status, classification,
36 and authorization for care which they had at the
37 university hospitals. Patients referred from the
38 university hospitals to the Oakdale campus shall be
39 deemed to be patients of the university hospitals.
40 ~~Chapters 255 and 255A and the~~ The operating policies
41 of the university hospitals shall apply to the
42 patients ~~and to the payment for their care the same as~~
43 the provisions apply to patients who are treated on
44 the premises of the university hospitals.

45 Sec. 50. Section 331.381, subsection 9, Code 2005,
46 is amended by striking the subsection.

47 Sec. 51. Section 331.502, subsection 17, Code
48 2005, is amended by striking the subsection.

49 Sec. 52. Section 331.552, subsection 13, Code
50 2005, is amended to read as follows:

Page 30

1 13. Make transfer payments to the state for school
2 expenses for blind and deaf children, and support of
3 persons with mental illness, ~~and hospital care for the~~
4 ~~indigent~~ as provided in sections 230.21, ~~255-26,~~
5 269.2, and 270.7.

6 Sec. 53. Section 331.653, subsection 26, Code
7 2005, is amended by striking the subsection.

8 Sec. 54. Section 331.756, subsection 53, Code
9 2005, is amended by striking the subsection.

10 Sec. 55. Section 602.8102, subsection 48, Code
11 2005, is amended by striking the subsection.

12 Sec. 56. Chapters 255 and 255A, Code 2005, are
13 repealed.

14 Sec. 57. OBLIGATIONS TO INDIGENT PATIENTS. The
15 provisions of this Act shall not be construed and are
16 not intended to change, reduce, or affect the
17 obligation of the university of Iowa hospitals and
18 clinics existing on April 1, 2005, to provide care or
19 treatment at the university of Iowa hospitals and
20 clinics to indigent patients and to any inmate,
21 student, patient, or former inmate of a state
22 institution as specified in sections 263.21 and 263.22
23 as enacted in this Act, with the exception of the
24 specific obligation to committed indigent patients as
25 specified pursuant to section 255.16, Code 2005,
26 repealed in this Act.

27 Sec. 58. INMATES, STUDENTS, PATIENTS, AND FORMER
28 INMATES OF STATE INSTITUTIONS – REVIEW.

29 1. The director of human services shall convene a
30 workgroup comprised of the director, the director of
31 the department of corrections, the president of the
32 state board of regents, and a representative of the
33 university of Iowa hospitals and clinics to review the
34 provision of treatment and care to the inmates,
35 students, patients, and former inmates specified in
36 sections 263.21 and 263.22, as enacted in this Act.

37 The review shall determine all of the following:

38 a. The actual cost to the university of Iowa
39 hospitals and clinics to provide care and treatment to
40 the inmates, students, patients, and former inmates on
41 an annual basis. The actual cost shall be determined
42 utilizing Medicare cost accounting principles.

43 b. The number of inmates, students, patients, and
44 former inmates provided treatment at the university of
45 Iowa hospitals and clinics, annually.

46 c. The specific types of treatment and care
47 provided to the inmates, students, patients, and
48 former inmates.

49 d. The existing sources of revenue that may be
50 available to pay for the costs of providing care and

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1 treatment to the inmates, students, patients, and
2 former inmates.

3 e. The cost to the department of human services,
4 the Iowa department of corrections, and the state
5 board of regents to provide transportation and
6 staffing relative to provision of care and treatment
7 to the inmates, students, patients, and former inmates
8 at the university of Iowa hospitals and clinics.

9 f. The effect of any proposed alternatives for
10 provision of care and treatment for inmates, students,
11 patients, or former inmates, including the proposed
12 completion of the hospital unit at the Iowa state
13 penitentiary at Fort Madison.

14 2. The workgroup shall submit a report of its
15 findings to the governor and the general assembly no
16 later than December 31, 2005. The report shall also
17 include any recommendations for improvement in the
18 provision of care and treatment to inmates, students,
19 patients, and former inmates, under the control of the
20 department of human services, the Iowa department of
21 corrections, and the state board of regents.

22 DIVISION XII

23 STATE MEDICAL INSTITUTION

24 Sec. 59. NEW SECTION. 218A.1 STATE MEDICAL
25 INSTITUTION.

26 1. All of the following shall be collectively
27 designated as a single state medical institution:

28 a. The mental health institute, Mount Pleasant,
29 Iowa.

30 b. The mental health institute, Independence,
31 Iowa.

32 c. The mental health institute, Clarinda, Iowa.

33 d. The mental health institute, Cherokee, Iowa.

34 e. The Glenwood state resource center.

35 f. The Woodward state resource center.

36 2. Necessary portions of the institutes and
37 resource centers shall remain licensed as separate
38 hospitals and as separate intermediate care facilities
39 for persons with mental retardation, and the locations
40 and operations of the institutes and resource centers
41 shall not be subject to consolidation to comply with
42 this chapter.

43 3. The state medical institution shall qualify for
44 payments described in subsection 4 for the fiscal
45 period beginning July 1, 2005, and ending June 30,
46 2010, if the state medical institution and the various
47 parts of the institution comply with the requirements
48 for payment specified in subsection 4, and all of the
49 following conditions are met:

50 a. The total number of beds in the state medical

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1 institution licensed as hospital beds is less than
2 fifty percent of the total number of all state medical
3 institution beds. In determining compliance with this
4 requirement, however, any reduction in the total
5 number of beds that occurs as the result of reduction
6 in census due to an increase in utilization of home
7 and community-based services shall not be considered.

8 b. An individual is appointed by the director of
9 human services to serve as the director of the state
10 medical institution and an individual is appointed by
11 the director of human services to serve as medical
12 director of the state medical institution. The
13 individual appointed to serve as the director of the
14 state medical institution may also be an employee of
15 the department of human services or of a component
16 part of the state medical institution. The individual
17 appointed to serve as medical director of the state
18 medical institution may also serve as the medical
19 director of one of the component parts of the state
20 medical institution.

21 c. A workgroup comprised of the director of human
22 services or the director's designee, the director of
23 the state medical institution, the directors of all
24 licensed intermediate care facilities for persons with
25 mental retardation in the state, and representatives
26 of the Iowa state association of counties, the Iowa
27 association of community providers, and other
28 interested parties develops and presents a plan, for
29 submission to the centers for Medicare and Medicaid
30 services of the United States department of health and
31 human services, to the general assembly no later than
32 July 1, 2007, to reduce the number of individuals in
33 intermediate care facilities for persons with mental
34 retardation in the state and concurrently to increase
35 the number of individuals with mental retardation and
36 developmental disabilities in the state who have
37 access to home and community-based services. The plan
38 shall include a proposal to redesign the home and
39 community-based services waivers for persons with
40 mental retardation and persons with brain injury under
41 the medical assistance program. The department shall
42 not implement the plan without express authorization
43 by the general assembly.

44 4. The department of human services shall submit a
45 waiver to the centers for Medicare and Medicaid
46 services of the United States department of health and
47 human services to provide for all of the following:

48 a. Coverage under the medical assistance program,
49 with appropriate federal matching funding, for
50 inpatient and outpatient hospital services provided to

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- 1 eligible individuals by any part of the state medical
- 2 institution that maintains a state license as a
- 3 hospital.
- 4 b. Disproportionate share hospital payments for
- 5 services provided by any part of the state medical
- 6 institution that maintains a state license as a
- 7 hospital.
- 8 c. Imposition of an assessment on intermediate
- 9 care facilities for persons with mental retardation on
- 10 any part of the state medical institution that
- 11 provides intermediate care facility for persons with
- 12 mental retardation services.

13 DIVISION XIII

14 APPROPRIATIONS AND EFFECTIVE DATES

15 Sec. 60. APPROPRIATIONS FROM IOWACARE ACCOUNT.

- 16 1. There is appropriated from the Iowacare account
- 17 created in section 249J.23 to the university of Iowa
- 18 hospitals and clinics for the fiscal year beginning
- 19 July 1, 2005, and ending June 30, 2006, the following
- 20 amount, or so much thereof as is necessary, to be used
- 21 for the purposes designated:
- 22 For salaries, support, maintenance, equipment, and
- 23 miscellaneous purposes, for the provision of medical
- 24 and surgical treatment of indigent patients, for
- 25 provision of services to recipients under the medical
- 26 assistance program expansion population pursuant to
- 27 chapter 249J, as enacted in this Act, and for medical
- 28 education:
- 29 \$ 27,284,584
- 30 2. There is appropriated from the Iowacare account
- 31 created in section 249J.23 to a publicly owned acute
- 32 care teaching hospital located in a county with a
- 33 population over three hundred fifty thousand for the
- 34 fiscal year beginning July 1, 2005, and ending June
- 35 30, 2006, the following amount, or so much thereof as
- 36 is necessary, to be used for the purposes designated:
- 37 For the provision of medical and surgical treatment
- 38 of indigent patients, for provision of services to
- 39 recipients under the medical assistance program
- 40 expansion population pursuant to chapter 249J, as
- 41 enacted in this Act, and for medical education:
- 42 \$ 40,000,000
- 43 Of the amount appropriated in this subsection,
- 44 \$36,000,000 shall be allocated in twelve equal monthly
- 45 payments as provided in section 249J.23, as enacted in
- 46 this Act. Any amount appropriated in this subsection
- 47 in excess of \$36,000,000 shall be allocated only if
- 48 federal funds are available to match the amount
- 49 allocated.
- 50 3. There is appropriated from the Iowacare account

Page 34

1 created in section 249J.23 to the state hospitals for
 2 persons with mental illness designated pursuant to
 3 section 226.1 for the fiscal year beginning July 1,
 4 2005, and ending June 30, 2006, the following amounts,
 5 or so much thereof as is necessary, to be used for the
 6 purposes designated:

7 a. For services at the state mental health
 8 institute at Cherokee, including services to
 9 recipients under the medical assistance program
 10 expansion population pursuant to chapter 249J, as
 11 enacted in this Act:
 12 \$ 9,098,425

13 b. For services at the state mental health
 14 institute at Clarinda, including services to
 15 recipients under the medical assistance program
 16 expansion population pursuant to chapter 249J, as
 17 enacted in this Act:
 18 \$ 1,977,305

19 c. For services at the state mental health
 20 institute at Independence, including services to
 21 recipients under the medical assistance program
 22 expansion population pursuant to chapter 249J, as
 23 enacted in this Act:
 24 \$ 9,045,894

25 d. For services at the state mental health
 26 institute at Mount Pleasant, including services to
 27 recipients under the medical assistance program
 28 expansion population designation pursuant to chapter
 29 249J, as enacted in this Act:
 30 \$ 5,752,587

31 Sec. 61. APPROPRIATIONS FROM ACCOUNT FOR HEALTH
 32 CARE TRANSFORMATION. There is appropriated from the
 33 account for health care transformation created in section
 34 249J.22, as enacted in this Act, to the department of
 35 human services, for the fiscal year beginning July 1,
 36 2005, and ending June 30, 2006, the following amounts,
 37 or so much thereof as is necessary, to be used for the
 38 purposes designated:

39 1. For the costs of medical examinations and
 40 development of personal health improvement plans for
 41 the expansion population pursuant to section 249J.6,
 42 as enacted in this Act:
 43 \$ 136,500

44 2. For the provision of a medical information
 45 hotline for the expansion population as provided in
 46 section 249J.6, as enacted in this Act:
 47 \$ 150,000

48 3. For the insurance cost subsidy program pursuant
 49 to section 249J.8, as enacted in this Act:
 50 \$ 150,000

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1	4. For the health care account program option	
2	pursuant to section 249J.8, as enacted in this Act:	
3	.....	\$ 50,000
4	5. For the use of electronic medical records by	
5	medical assistance program and expansion population	
6	provider network providers pursuant to section	
7	249J.14, as enacted in this Act:	
8	.....	\$ 100,000
9	6. For other health partnership activities	
10	pursuant to section 249J.14, as enacted in this Act:	
11	.....	\$ 550,000
12	7. For the costs related to audits, performance	
13	evaluations, and studies required by this Act:	
14	.....	\$ 100,000
15	8. For administrative costs associated with this	
16	Act:	
17	.....	\$ 910,000

18 Sec. 62. TRANSFER FROM ACCOUNT FOR HEALTH CARE
 19 TRANSFORMATION. There is transferred from the account
 20 for health care transformation created pursuant to
 21 section 249J.22, as enacted in this Act, to the
 22 Iowacare account created in section 249J.23, as
 23 enacted in this Act, a total of \$2,000,000 for the
 24 fiscal year beginning July 1, 2005, and ending June
 25 30, 2006.

26 Sec. 63. EFFECTIVE DATES – CONTINGENT REDUCTION
 27 – RULES – RETROACTIVE APPLICABILITY.

28 1. The provisions of this Act requiring the
 29 department of human services to request waivers from
 30 the centers for Medicare and Medicaid services of the
 31 United States department of health and human services
 32 and to amend the medical assistance state plan, being
 33 deemed of immediate importance, take effect upon
 34 enactment.

35 2. The remaining provisions of this Act, with the
 36 exception of the provisions described in subsection 1,
 37 shall not take effect unless the department of human
 38 services receives approval of all waivers and medical
 39 assistance state plan amendments required under this
 40 Act. If all approvals are received, the remaining
 41 provisions of this Act shall take effect July 1, 2005,
 42 or on the date specified in the waiver or medical
 43 assistance state plan amendment for a particular
 44 provision. The department of human services shall
 45 notify the Code editor of the date of receipt of the
 46 approvals.

47 3. If this Act is enacted and if the Eighty-first
 48 General Assembly enacts legislation appropriating
 49 moneys from the general fund of the state to the
 50 department of human services for the fiscal year

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1 beginning July 1, 2005, and ending June 30, 2006, for
2 the state hospitals for persons with mental illness
3 designated pursuant to section 226.1, for salaries,
4 support, maintenance, and miscellaneous purposes and
5 for full-time equivalent positions, and if this Act is
6 enacted, the appropriations shall be reduced in the
7 following amounts and the amounts shall be transferred
8 to the medical assistance fund of the department of
9 human services to diminish the effect of
10 intergovernmental transfer reductions:

11 a. For the state mental health institute at
12 Cherokee:
13 \$ 9,098,425

14 b. For the state mental health institute at
15 Clarinda:
16 \$ 1,977,305

17 c. For the state mental health institute at
18 Independence:
19 \$ 9,045,894

20 d. For the state mental health institute at Mount
21 Pleasant:
22 \$ 5,752,587

23 4. If this Act is enacted and if the Eighty-first
24 General Assembly enacts legislation appropriating
25 moneys from the general fund of the state to the state
26 university of Iowa for the fiscal year beginning July
27 1, 2005, and ending June 30, 2006, for the university
28 hospitals for salaries, support, maintenance,
29 equipment, and miscellaneous purposes and for medical
30 and surgical treatment of indigent patients as
31 provided in chapter 255, for medical education, and
32 for full-time equivalent positions, and if this Act is
33 enacted, the appropriation is reduced by \$27,284,584
34 and the amount shall be transferred to the medical
35 assistance fund of the department of human services to
36 diminish the effect of intergovernmental transfer
37 reductions.

38 5. If this Act is enacted, and if the Eighty-first
39 General Assembly enacts 2005 Iowa Acts, House File
40 816, and 2005 Iowa Acts, House File 816 includes a
41 provision relating to medical assistance supplemental
42 amounts for disproportionate share hospital and
43 indirect medical education, the provision in House
44 File 816 shall not take effect.

45 6. If this Act is enacted, and if the Eighty-
46 first General Assembly enacts 2005 Iowa Acts, House
47 File 825, and 2005 Iowa Acts, House File 825, includes
48 a provision appropriating moneys from the hospital
49 trust fund created in section 249I.4 to the department
50 of human services for the fiscal year beginning July

Page 37

- 1 1, 2005, and ending June 30, 2006, to be used to
2 supplement the appropriations made for the medical
3 assistance program for that fiscal year, the
4 appropriation is reduced by \$22,900,000.
- 5 7. The department of human services may adopt
6 emergency rules pursuant to chapter 17A to implement
7 and administer the provisions of this Act.
- 8 8. The department of human services may procure
9 sole source contracts to implement any provision of
10 this Act.
- 11 9. The provisions of this Act amending 2003 Iowa
12 Acts, chapter 112, section 11, and repealing section
13 249A.20B, are retroactively applicable to May 2, 2003.
- 14 10. The section of this Act amending 2004 Iowa
15 Acts, chapter 1175, section 86, is retroactively
16 applicable to May 17, 2004."

Carroll of Poweshiek offered the following amendment H-1433, to amendment H-1417, filed by him from the floor and moved its adoption:

H-1433

- 1 Amend the amendment, H-1417, to House File 841 as
2 follows:
- 3 1. Page 4, by striking lines 25 through 33, and
4 inserting the following:
- 5 "2. a. Beginning no later than March 1, 2006,
6 within ninety days of enrollment in the expansion
7 population, each expansion population member shall
8 participate, in conjunction with receiving a single
9 comprehensive medical examination and completing a
10 personal health improvement plan, in a health risk
11 assessment coordinated by a health consortium
12 representing providers, consumers, and medical
13 education institutions. An expansion population
14 member who enrolls in the expansion population prior
15 to March 1, 2006, shall participate in the health risk
16 assessment, receive the single comprehensive medical
17 examination, and complete the personal health
18 improvement plan by June 1, 2006.
- 19 b. The health risk assessment shall be a web-based
20 electronic system capable of capturing and integrating
21 basic data to provide an individualized personal
22 health improvement plan for each expansion population
23 member. The health risk assessment shall provide a
24 preliminary diagnosis of current and prospective
25 health conditions and recommendations for improving
26 health conditions with an individualized wellness
27 program. The health risk assessment shall be made

28 available to the expansion population member and the
29 provider specified in paragraph "c" who performs the
30 comprehensive medical examination and provides the
31 individualized personal health improvement plan.
32 c. The single comprehensive medical examination
33 and personal health improvement plan may".

Amendment H-1433 was adopted.

Upmeyer of Hancock offered the following amendment H-1427, to amendment H-1417, filed by Upmeyer, et al., and moved its adoption:

H-1427

1 Amend the amendment, H-1417, to House File 841 as
2 follows:

3 1. Page 10, by inserting after line 11, the
4 following:

5 "Sec. __. CASE MANAGEMENT FOR THE FRAIL ELDERLY.

6 1. The department of human services shall submit a
7 medical assistance state plan amendment to the centers
8 for Medicare and Medicaid services of the United
9 States department of health and human services to
10 provide for inclusion of case management for the frail
11 elderly as a medical assistance covered service. The
12 department of human services shall develop the medical
13 assistance state plan amendment in consultation with
14 the department of elder affairs.

15 2. If the medical assistance state plan amendment
16 is approved, the department of elder affairs shall use
17 existing funding for case management as nonfederal
18 matching funds. The department of elder affairs, in
19 consultation with the department of human services,
20 shall determine the amount of current funding that
21 would be eligible for use as nonfederal matching funds
22 so that sufficient funding is retained to provide case
23 management services for frail elders who are not
24 eligible for the medical assistance program.
25 The department shall establish a reimbursement rate
26 for case management for the frail elderly such that
27 the amount of state funding necessary to pay for such
28 case management does not exceed the amount
29 appropriated to the department of elder affairs for
30 case management for the frail elderly in the fiscal
31 year beginning July 1, 2005. All state and federal
32 funds appropriated or received for case management for
33 the frail elderly shall be used for services to
34 clients eligible for medical assistance. Any state
35 savings realized from case management for the frail
36 elderly shall be used to expand services to the frail
37 elderly.

- 38 3. The department of human services in
39 consultation with the department of elder affairs
40 shall determine whether case management for the frail
41 elderly should continue to be provided through a sole
42 source contract or if a request for proposals process
43 should be initiated to provide the services. The
44 departments shall submit their recommendation to the
45 general assembly by January 1, 2006."
46 2. By renumbering as necessary.

Amendment H-1427 was adopted.

Carroll of Poweshiek offered the following amendment H-1449, to amendment H-1417, filed by him, Foege of Linn, Heaton of Henry, Smith of Marshall and Upmeyer of Hancock from the floor and moved its adoption:

H-1449

- 1 Amend the amendment, H-1417, to House File 841 as
2 follows:
3 1. Page 11, by inserting after line 31, the
4 following:
5 "Sec. . NEW SECTION. 249J.14A TASK FORCE ON
6 INDIGENT CARE.
7 1. The department shall convene a task force on
8 indigent care to identify any growth in uncompensated
9 care due to the implementation of this chapter and to
10 identify any local funds that are being used to pay
11 for uncompensated care that could be maximized through
12 a match with federal funds.
13 2. Any public, governmental or nongovernmental,
14 private, for-profit, or not-for-profit health services
15 provider or payor, whether or not enrolled in the
16 medical assistance program, and any organization of
17 such providers or payors, may become a member of the
18 task force. Membership on the task force shall
19 require that an entity agree to provide accurate,
20 written information and data relating to each of the
21 following items for the fiscal year of the entity
22 ending on or before June 30, 2005, and for each fiscal
23 year thereafter during which the entity is a member:
24 a. The definition of indigent care used by the
25 member for purposes of reporting the data described in
26 this subsection.
27 b. The actual cost of indigent care as determined
28 under Medicare principles of accounting or any
29 accounting standard used by the member to report the
30 member's financial status to its governing body,

- 31 owner, members, creditors, or the public.
- 32 c. The usual and customary charge that would
33 otherwise be applied by the member to the indigent
34 care provided.
- 35 d. The number of individuals and the age, sex, and
36 county of residence of the individuals receiving
37 indigent care reported by the member and a description
38 of the care provided.
- 39 e. To the extent practical, the health status of
40 the individuals receiving the indigent care reported
41 by the member.
- 42 f. The funding source of payment for the indigent
43 care including revenue from property tax or other tax
44 revenue, local funding, and other sources.
- 45 g. The extent to which any part of the cost of
46 indigent care reported by the member was paid for by
47 the individual on a sliding fee scale or other basis,
48 by an insurer, or by another third-party payor.
- 49 h. The means by which the member covered any of
50 the costs of indigent care not covered by those

Page 2

- 1 sources described in paragraph "g".
- 2 3. The department shall convene the task force for
3 a minimum of eight meetings during the fiscal year
4 beginning July 1, 2005, and during each fiscal year
5 thereafter. For the fiscal year beginning July 1,
6 2005, the department shall convene at least six of the
7 required meetings prior to March 1, 2006. The
8 meetings shall be held in geographically balanced
9 venues throughout the state that are representative of
10 distinct rural, urban, and suburban areas.
- 11 4. The department shall provide the medical
12 assistance projections and assessment council created
13 pursuant to section 249J.19 with all of the following,
14 at intervals established by the council:
- 15 a. A list of the members of the task force.
- 16 b. A copy of each member's written submissions of
17 data and information to the task force.
- 18 c. A copy of the data submitted by each member.
- 19 d. Any observations or recommendations of the task
20 force regarding the data.
- 21 e. Any observations and recommendations of the
22 department regarding the data.
- 23 5. The task force shall transmit an initial,
24 preliminary report of its efforts and findings to the
25 governor and the general assembly by March 1, 2006.
26 The task force shall submit an annual report to the
27 governor and the general assembly by December 31 of
28 each year.
- 29 6. The department shall, to the extent practical,

30 assist task force members in assembling and reporting
31 the data required of members, by programming the
32 department's systems to accept, but not pay, claims
33 reported on standard medical assistance claims forms
34 for the indigent care provided by the members.
35 7. All meetings of the task force shall comply
36 with chapter 21.
37 8. Information and data provided by a member to
38 the task force shall be protected to the extent
39 required under the federal Health Insurance
40 Portability and Accountability Act of 1996.
41 9. Costs associated with the work of the task
42 force and with the required activities of members
43 shall not be eligible for federal matching funds."
44 2. By renumbering as necessary.

Amendment H-1449 was adopted.

Foegen of Linn offered the following amendment H-1426, to amendment H-1417, filed by him and moved its adoption:

H-1426

1 Amend the amendment, H-1417 to House File 841 as
2 follows:
3 1. Page 28, by striking lines 24 through 26, and
4 inserting the following: "member of the
5 organization."

Amendment H-1426 was adopted.

Kuhn of Floyd asked and received unanimous consent that amendment H-1443 to amendment H-1417 be deferred.

Smith of Marshall offered amendment H-1448, to amendment H-1417, filed by him from the floor as follows:

H-1448

1 Amend the amendment, H-1417, to House File 841 as
2 follows:
3 1. Page 35, by inserting after line 25, the
4 following:
5 "Sec. __. GENERAL FUND APPROPRIATION. There is
6 appropriated from the general fund of the state to the
7 department of human services two million dollars for
8 each fiscal year of the fiscal period beginning July
9 1, 2005, and ending June 30, 2008, to be used for the
10 increased costs associated with rebasing of inpatient

11 and outpatient hospital services rates for the rebase
 12 period effective in the fiscal period beginning July
 13 1, 2005, and ending June 30, 2008, as provided in this
 14 section.

15 Any rebasing of hospital inpatient and outpatient
 16 services rates under this section shall not increase
 17 the total payments for hospital inpatient and
 18 outpatient services rates in excess of the amount
 19 appropriated under this section."

20 2. By renumbering as necessary.

The House stood at ease at 5:19 p.m., until the fall of the gavel.

The House resumed session at 6:03 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 ninety-one members present, nine absent.

The House resumed consideration of House File 841 and amendment H-1448 to amendment H-1417.

Smith of Marshall moved the adoption of amendment H-1448.

Amendment H-1448 lost.

Carroll of Poweshiek offered the following amendment H-1454 to amendment H-1417, filed by him from the floor and requested division as follows:

H-1454

1 Amend the amendment, H-1417, to House File 841 as
 2 follows:

H-1454A

3 1. Page 2, by striking lines 40 through 42, and
 4 inserting the following: "April 1, 2005."

5 2. Page 5, by inserting after line 47, the
 6 following:

7 "___ Notwithstanding the provision of section

8 347.16, subsection 2, requiring the provision of free
9 care and treatment to the persons described in that
10 subsection, the publicly owned acute care teaching
11 hospital described in subsection 1 may require any
12 sick or injured person seeking care or treatment at
13 that hospital to be subject to financial
14 participation, including but not limited to copayments
15 or premiums, and may deny nonemergent care or
16 treatment to any person who refuses to be subject to
17 such financial participation."

18 3. Page 6, by striking lines 44 through 48, and
19 inserting the following: "agree to exchange one
20 year's receipt of benefits under the expansion
21 population, to which the individual would otherwise be
22 entitled, for a credit to obtain any medical
23 assistance program covered service up to a specified
24 amount. The balance in the health care".

25 4. Page 8, line 29, by inserting after the word
26 "set" the following: ", section G, entitled "physical
27 functioning and structural problems"".

H-1454B

28 5. Page 8, by striking lines 34 through 36.

H-1454A

29 6. Page 8, by striking lines 44 through 48, and
30 inserting the following:
31 "a. Based on the minimum data set, the individual
32 requires supervision, or limited assistance, provided
33 on a daily basis by the physical assistance of at
34 least one person, for dressing and personal hygiene
35 activities of daily living as defined by the minimum
36 data set, section G, entitled "physical functioning
37 and structural problems"."

38 7. Page 9, by inserting after line 21, the
39 following:

40 "4. The department shall develop a process to
41 allow individuals identified under subsection 3 to be
42 served under the home and community-based services
43 waiver at such time as appropriate home and community-
44 based services become available in the individual's
45 community."

46 8. Page 9, line 27, by inserting after the word
47 "providers," the following: "the governor's
48 developmental disabilities council,".

49 9. Page 9, line 39, by inserting after the word
50 "providers," the following: "the governor's

- 1 developmental disabilities council,"
- 2 10. Page 12, line 31, by striking the figure
- 3 "294A.4" and inserting the following: "249A.4".
- 4 11. Page 17, line 8, by striking the word "may"
- 5 and inserting the following: "shall".
- 6 12. Page 17, line 30, by inserting after the
- 7 figure "2005," the following: "and annually by July
- 8 1, thereafter,".
- 9 13. Page 17, line 44, by inserting after the
- 10 figure "2005," the following: "and annually by July
- 11 1, thereafter,".
- 12 14. Page 22, by inserting after line 34, the
- 13 following:
- 14 "Sec. ____ TRANSITION FROM INSTITUTIONAL SETTINGS
- 15 TO HOME AND COMMUNITY-BASED SERVICES. The department,
- 16 in consultation with provider and consumer
- 17 organizations, shall explore additional opportunities
- 18 under the medical assistance program to assist
- 19 individuals in transitioning from institutional
- 20 settings to home and community-based services. The
- 21 department shall report any opportunities identified
- 22 to the governor and the general assembly by December
- 23 31, 2005."
- 24 15. Page 24, by striking lines 4 through 20, and
- 25 inserting the following:
- 26 "1. A copayment of \$1 for each covered
- 27 nonpreferred generic prescription drug.
- 28 2. A copayment of \$1 for each covered preferred
- 29 brand-name or generic prescription drug.
- 30 3. A copayment of \$1 for each covered nonpreferred
- 31 brand-name prescription drug for which the cost to the
- 32 state is up to and including \$25.
- 33 4. A copayment of \$2 for each covered nonpreferred
- 34 brand-name prescription drug for which the cost to the
- 35 state is more than \$25 and up to and including \$50.
- 36 5. A copayment of \$3 for each covered nonpreferred
- 37 brand-name prescription drug for which the cost to the
- 38 state is more than \$50."
- 39 16. Page 33, by striking line 43, and inserting
- 40 the following:
- 41 "Notwithstanding any provision of this Act to the
- 42 contrary, of the amount appropriated in this
- 43 subsection,".
- 44 17. Page 34, by striking lines 7 and 8, and
- 45 inserting the following:
- 46 "a. For the state mental health institute at
- 47 Cherokee, for salaries, support, maintenance, full-
- 48 time equivalent positions, and miscellaneous purposes
- 49 including services to".
- 50 18. Page 34, by striking lines 13 and 14, and

Page 3

1 inserting the following:

2 "b. For the state mental health institute at
3 Clarinda, for salaries, support, maintenance, full-
4 time equivalent positions, and miscellaneous purposes
5 including services to".

6 19. Page 34, by striking lines 19 and 20, and
7 inserting the following:

8 "c. For the state mental health institute at
9 Independence, for salaries, support, maintenance,
10 full-time equivalent positions, and miscellaneous
11 purposes including services to".

12 20. Page 34, by striking lines 25 and 26, and
13 inserting the following:

14 "d. For the state mental health institute at Mount
15 Pleasant, for salaries, support, maintenance, full-
16 time equivalent positions, and miscellaneous purposes
17 including services to".

18 21. Page 35, line 32, by inserting after the word
19 "plan," the following: "and the provisions relating
20 to execution of chapter 28E agreements in section
21 249J.23, as enacted in this Act,".

22 22. Page 36, lines 5 and 6, by striking the words
23 "and if this Act is enacted,".

24 23. Page 36, lines 32 and 33, by striking the
25 words "and if this Act is enacted,".

26 24. By renumbering as necessary.

On motion by Carroll of Poweshiek, amendment H-1454A was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment H-1452 to amendment H-1417 filed by him from the floor.

Murphy of Dubuque offered the following amendment H-1455 filed by him from the floor and moved its adoption:

H-1455

1 Amend the amendment, H-1417, to House File 841 as
2 follows:

3 1. Page 3, by inserting after line 48, the
4 following:

5 "_. If the department provides intake services
6 at the location of a provider included in the
7 expansion population provider network, the department
8 shall consider subcontracting with local nonprofit
9 agencies to promote greater understanding between

10 providers, under the medical assistance program and
11 included in the expansion population provider network,
12 and their recipients and members."

13 2. Page 4, line 33, by inserting after the figure
14 "2006." the following: "The criteria for the
15 comprehensive medical examination and the personal
16 health improvement plan shall be developed and applied
17 in a manner that takes into consideration cultural
18 variations that may exist within the expansion
19 population."

20 3. Page 4, line 41, by striking the words
21 "services or" and inserting the following:
22 "services,".

23 4. Page 4, line 43, by inserting after the word
24 "physician" the following: ", or through any other
25 nonprofit agency qualified or deemed to be qualified
26 by the department to perform these services".

27 5. Page 11, line 31, by inserting after the word
28 "section." the following: "To the greatest extent
29 feasible, and if applicable to a data set, the date
30 reported shall include demographic information
31 concerning the population served including but not
32 limited to factors, such as race and economic status,
33 as specified by the department."

34 6. Page 37, line 10, by inserting after the word
35 "Act." the following: "In addition to sole source
36 contracting, the department may contract with local
37 nonprofit agencies to provide services enumerated in
38 this Act. The department shall utilize nonprofit
39 agencies to the greatest extent possible in the
40 delivery of the programs and services enumerated in
41 this Act to promote greater understanding between
42 providers, under the medical assistance program and
43 included in the expansion population provider network,
44 and their recipients and members."

45 7. By renumbering, relettering, or redesignating
46 and correcting internal references as necessary.

RULE 76 INVOKED

Under the provision of Rule 76, conflict of interest, Ford of Polk refrained from voting.

Amendment H-1455 was adopted.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-1454B to amendment H-1417.

Kuhn of Floyd offered the following amendment H-1443, to amendment H-1417, previously deferred, filed by him from the floor and moved its adoption:

H-1443

1 Amend the amendment, H-1417, to House File 841 as
 2 follows:
 3 1. Page 35, by inserting after line 25, the
 4 following:
 5 "Sec. __. REIMBURSEMENT RATES FOR HOSPITAL
 6 SERVICES – FISCAL YEAR 2006-2007. For the fiscal
 7 year beginning July 1, 2006, reimbursement rates for
 8 inpatient and outpatient hospital services shall be
 9 increased by three percent over the rates in effect on
 10 June 30, 2006. The department shall continue the
 11 outpatient hospital reimbursement system based upon
 12 ambulatory patient groups implemented pursuant to 1994
 13 Iowa Acts, chapter 1186, section 25, subsection 1,
 14 paragraph "F". In addition, the department of human
 15 services shall continue the revised medical assistance
 16 payment policy implemented pursuant to that paragraph
 17 to provide reimbursement for costs of screening and
 18 treatment provided in the hospital emergency room if
 19 made pursuant to the prospective payment methodology
 20 developed by the department of human services for the
 21 payment of outpatient services provided under the
 22 medical assistance program."

Amendment H-1443 lost.

On motion by Carroll of Poweshiek, amendment H-1417, 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. 841)

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Fvert

Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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 841** 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 20, 2005, passed the following bill in which the concurrence of the Senate was asked:

House File 814, a bill for an act relating to electronic notices of bidding opportunities for state purchases.

Also: That the Senate has on April 20, 2005, passed the following bill in which the concurrence of the House is asked:

Senate File 409, a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and

refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and retroactive applicability date provision.

MICHAEL E. MARSHALL, Secretary

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hoffman of Crawford on request of Speaker Rants.

The House resumed consideration of **House File 833**, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties, previously deferred and found on pages 1335 through 1338 of the House Journal.

Tomenga of Polk offered the following amendment H-1435 filed by him from the floor and moved its adoption:

H-1435

- 1 Amend House File 833 as follows:
- 2 1. Page 2, by inserting after line 35 the
- 3 following:
- 4 "Sec. __. Section 155A.17, subsection 3, Code
- 5 2005, is amended to read as follows:
- 6 3. The board shall adopt rules pursuant to chapter
- 7 17A on matters pertaining to the issuance of a
- 8 wholesale drug license. The rules shall provide for
- 9 conditions of licensure, compliance standards,
- 10 licensure fees, disciplinary action, and other
- 11 relevant matters. Additionally, the rules shall
- 12 establish provisions or exceptions for pharmacies,
- 13 chain pharmacy distribution centers, and other types
- 14 of wholesalers relating to pedigree requirements, drug
- 15 or device returns, and other related matters, so as
- 16 not to prevent or interfere with usual, customary, and
- 17 necessary business activities."
- 18 2. By renumbering as necessary.

Amendment H-1435 was adopted.

Upmeyer of Hancock offered the following amendment H-1432 filed by her and Smith of Marshall from the floor and moved its adoption:

H-1432

1 Amend House File 833 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 22.7, Code 2005, is amended by
5 adding the following new subsection:

6 NEW SUBSECTION. 51. The information contained in
7 the electronic drug database established in section
8 124.510A, except to the extent that disclosure is
9 authorized pursuant to section 124.510C.

10 Sec. 2. NEW SECTION. 124.510A ELECTRONIC DRUG
11 DATABASE ESTABLISHED.

12 The board shall establish and maintain an
13 electronic drug database. The board shall use the
14 electronic drug database to monitor the misuse, abuse,
15 and diversion of selected controlled substances and
16 other drugs the board includes in the database
17 pursuant to section 124.510E, subsection 1, paragraph
18 "i". The board shall electronically collect and
19 disseminate information pursuant to sections 124.510C
20 and 124.510D and rules adopted pursuant to this
21 division. The board may contract with a third-
22 party/private vendor to administer the electronic drug
23 database.

24 Sec. 3. NEW SECTION. 124.510B DATA REPORTING.

25 1. Each licensed pharmacy that dispenses selected
26 drugs identified by the board by rule to patients in
27 the state, and each licensed pharmacy located in the
28 state that dispenses such selected drugs to patients
29 inside or outside the state, unless specifically
30 excepted in this section or by rule, shall submit the
31 following prescription information to the board or its
32 designee:

- 33 a. Pharmacy identification.
 - 34 b. Patient identification.
 - 35 c. Prescriber identification.
 - 36 d. The date the prescription was issued by the
37 prescriber.
 - 38 e. The date the prescription was dispensed.
 - 39 f. An indication of whether the prescription
40 dispensed is new or a refill.
 - 41 g. Identification of the drug dispensed.
 - 42 h. Quantity of the drug dispensed.
 - 43 i. The number of days' supply of the drug
44 dispensed.
 - 45 j. Serial or prescription number assigned by the
46 pharmacy.
 - 47 k. Source of payment for the prescription.
- 48 2. Information shall be submitted electronically
49 in the format specified by the board unless the board
50 has granted a waiver and approved an alternate format.

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1 3. Information shall be timely transmitted as
2 designated by the board by rule, unless the board
3 grants an extension. The board may grant an extension
4 if either of the following occurs:

5 a. The pharmacy suffers a mechanical or electronic
6 failure, or cannot meet the deadline established by
7 the board for other reasons beyond the pharmacy's
8 control.

9 b. The board or its designee is unable to receive
10 electronic submissions.

11 4. This section shall not apply to a prescriber
12 furnishing, dispensing, supplying, or administering
13 drugs to the prescriber's patient, or to dispensing by
14 a licensed pharmacy for the purposes of inpatient
15 hospital care, inpatient hospice care, or long-term
16 residential facility patient care.

17 Sec. 4. NEW SECTION. 124.510C DATA ACCESS.

18 1. The board or its designee may provide
19 information from the electronic drug database to all
20 of the following:

21 a. A person who is a designated representative of
22 a governmental entity responsible for the licensure,
23 regulation, or discipline of licensed health care
24 professionals authorized to prescribe or dispense
25 drugs, who is involved in an investigation of a person
26 licensed, regulated, or subject to discipline by the
27 entity, and who is seeking access to information in
28 the database that is relevant to the subject matter of
29 the investigation and pursuant to a written probable
30 cause determination.

31 b. A federal, state, county, township, or
32 municipal officer of this or any other state, or the
33 United States, whose duty it is to enforce the laws
34 relating to prescription drugs and who is actively
35 engaged in a specific investigation of a specific
36 person and is seeking access to information in the
37 database pursuant to a written probable cause
38 determination or warrant.

39 c. A properly convened grand jury pursuant to a
40 subpoena properly issued.

41 d. A pharmacist or prescriber who requests the
42 information and certifies in a form specified by the
43 board that it is for the purpose of providing medical
44 or pharmaceutical care to a patient of the pharmacist
45 or prescriber.

46 e. An individual who requests the individual's own
47 database information in accordance with the procedure
48 established in rules of the board adopted under
49 section 124.510E.

50 2. The board or its designee shall maintain a

Page 3

1 record of each person that requests information from
2 the database. Pursuant to rules adopted by the board
3 under section 124.510E, the board may use the records
4 to document and report statistics and law enforcement
5 outcomes and to identify inappropriate access or other
6 prohibited acts. The board or its designee may
7 provide records of a person's requests for database
8 information to the following persons:

9 a. Pursuant to a written probable cause
10 determination, a designated representative of a
11 governmental entity that is responsible for the
12 licensure, regulation, or discipline of licensed
13 health care professionals authorized to prescribe or
14 dispense drugs who is involved in a specific
15 investigation of the individual who submitted the
16 request.

17 b. Pursuant to a written probable cause
18 determination or warrant, a federal, state, county,
19 township, or municipal officer of this or any other
20 state or the United States, whose duty is to enforce
21 the laws relating to prescription drugs, and who is
22 actively engaged in a specific investigation of the
23 specific person who submitted the request.

24 3. Information contained in the database and any
25 information obtained from it is strictly confidential
26 medical information, is not a public record pursuant
27 to chapter 22, and is not subject to discovery,
28 subpoena, or other means of legal compulsion for
29 release except as provided in this division.
30 Information contained in the records of requests for
31 information from the database is privileged and
32 confidential, is not a public record, and is not
33 subject to discovery, subpoena, or other means of
34 legal compulsion for release except as provided in
35 this division. Information from the database shall
36 not be released, shared with an agency or institution,
37 or made public except as provided in this division.

38 4. Information collected for the database shall be
39 retained in the database for four years. The
40 information shall then be destroyed unless a law
41 enforcement agency or a governmental entity
42 responsible for the licensure, regulation, or
43 discipline of licensed health care professionals
44 authorized to prescribe or dispense drugs has
45 submitted a written request to the board or its
46 designee for retention of specific information in
47 accordance with rules adopted by the board under
48 section 124.510E.

49 5. A pharmacist or other dispenser making a report
50 to the database in good faith pursuant to this

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1 division is immune from any liability, civil,
2 criminal, or administrative, which might otherwise be
3 incurred or imposed as a result of the report.

4 6. Nothing in this section shall require a
5 pharmacist or prescriber to obtain information about a
6 patient from the database. A pharmacist or prescriber
7 does not have a duty and shall not be held liable in
8 damages to any person in any civil or derivative
9 criminal or administrative action for injury, death,
10 or loss to person or property on the basis that the
11 pharmacist or prescriber did or did not seek or obtain
12 information from the database. A pharmacist or
13 prescriber acting in good faith is immune from any
14 civil, criminal, or administrative liability that
15 might otherwise be incurred or imposed for requesting
16 or receiving information from the database.

17 7. The board shall not charge a fee to a pharmacy,
18 pharmacist, or prescriber for the establishment,
19 maintenance, or administration of the database. The
20 board shall not charge a fee for the transmission of
21 data to the database nor for the receipt of
22 information from the database, except that the board
23 may charge a reasonable fee to an individual who
24 requests the individual's own database information or
25 to a person requesting statistical, aggregate, or
26 nonpersonally identified information from the
27 database. A fee charged pursuant to this subsection
28 shall not exceed the cost of providing the requested
29 information and shall be considered a repayment
30 receipt as defined in section 8.2.

31 Sec. 5. NEW SECTION. 124.510D DATA REVIEW AND
32 REFERRAL.

33 The board or its designee shall review the
34 information in the electronic drug database. If the
35 board determines, consistent with the board's
36 authority under this chapter or chapter 155A, that
37 there is probable cause to believe that drug diversion
38 or another violation of law may have occurred, the
39 board shall notify the appropriate law enforcement
40 agency or the governmental entity responsible for the
41 licensure, regulation, or discipline of the licensed
42 health care professional, and shall supply information
43 from the database supporting the probable cause
44 determination. The board shall not refer information
45 relating to an individual for further investigation
46 except upon a probable cause determination. A
47 probable cause determination shall be consistent with
48 guidelines developed by the advisory council
49 established under section 124.510F.

50 Sec. 6. NEW SECTION. 124.510E RULES AND

Page 5

1 REPORTING.

2 1. The board shall adopt rules in accordance with
3 chapter 17A to carry out the purposes of, and to
4 enforce the provisions of, this division. The rules
5 shall include but not be limited to the development of
6 procedures relating to:

7 a. Identifying each patient about whom information
8 is entered into the electronic drug database.

9 b. An electronic format for the submission of
10 information from pharmacies.

11 c. A waiver to submit information in another
12 format for a pharmacy unable to submit information
13 electronically.

14 d. Granting by the board of a request from a law
15 enforcement agency or a governmental entity
16 responsible for the licensure, regulation, or
17 discipline of licensed health care professionals
18 authorized to prescribe or dispense drugs for the
19 retention of information scheduled for deletion from
20 the database after four years when the information
21 pertains to an open investigation being conducted by
22 the agency or entity.

23 e. An application for an extension of time by a
24 pharmacy regarding information to be transmitted to
25 the board or its designee.

26 f. The submission by a person or governmental
27 entity to which the board is authorized to provide
28 information of a request for the information and a
29 procedure for the verification of the identity of the
30 requestor.

31 g. Use by the board of the database request
32 records required by section 124.510C, subsection 2, to
33 document and report statistics and law enforcement
34 outcomes and to identify inappropriate access or other
35 prohibited acts.

36 h. Submission of a request by an individual for
37 the individual's own database information and
38 verification of the identity of the requestor.

39 i. The development of a list of controlled
40 substances and other drugs that shall be included in
41 the database.

42 j. Access by a pharmacist or prescriber to
43 information in the database pursuant to a written
44 agreement with the board.

45 k. Terms and conditions of the contract, if the
46 board contracts for database administration with a
47 third-party or private vendor.

48 1. The correction or deletion of erroneous
49 information from the database.

50 2. No later than January 1, 2008, and every two

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1 years thereafter, the board shall present to the
2 general assembly and the governor a report of the
3 following:

4 a. The cost to the state of implementing and
5 maintaining the database.

6 b. Information from pharmacies, prescribers, the
7 board, and others regarding the usefulness of the
8 database.

9 c. Information from pharmacies, prescribers, the
10 board, and others regarding the board's effectiveness
11 in providing information from the database.

12 d. Information documenting the timely transmission
13 of information from the electronic drug database to
14 authorized requestors.

15 Sec. 7. NEW SECTION. 124.510F ADVISORY COUNCIL
16 ESTABLISHED.

17 The board shall establish an advisory council to
18 provide oversight to the electronic drug database
19 program. The board shall adopt rules specifying the
20 duties and activities of the advisory council and
21 related matters.

22 1. The council shall consist of three licensed
23 pharmacists, three licensed physicians, two licensed
24 prescribers who are not physicians, and two members of
25 the general public. The board shall solicit
26 recommendations for health professional council
27 members from Iowa health professional licensing
28 boards, associations, and societies. The license of
29 each health professional appointed to and serving on
30 the advisory council shall be current and in good
31 standing with the professional's licensing board.

32 2. The council may make recommendations to advance
33 the goals of the database, which include
34 identification of misuse and diversion of identified
35 controlled substances and other drugs and enhancement
36 of the quality of health care delivery in this state.

37 3. Among other things, the council shall:

38 a. Assist the board in developing criteria for
39 granting requests by researchers and other persons for
40 statistical, aggregate, or nonpersonally identified
41 information using database information, developed
42 consistent with the goals of the database.

43 b. Assist the board in ensuring patient
44 confidentiality and the integrity of the patient's
45 treatment relationship with the patient's health care
46 provider.

47 c. Make recommendations regarding the continued
48 benefits of maintaining the electronic drug database
49 in relationship to cost and other burdens to the
50 board. The council's recommendations shall be

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1 included in reports required by section 124.510E,
2 subsection 2.

3 4. Members of the advisory council shall be
4 eligible to request and receive actual expenses for
5 their duties as members of the advisory council,
6 subject to reimbursement limits imposed by the
7 department of administrative services, and shall also
8 be eligible to receive a per diem compensation as
9 provided in section 7E.6, subsection 1.

10 Sec. 8. NEW SECTION. 124.510G PROHIBITED ACTS
11 AND PENALTIES.

12 The failure of a licensed pharmacist or licensed
13 prescriber to comply with the requirements of this
14 division, or the performance or causing the
15 performance of, or the aiding and abetting of another
16 person in the performance of, any of the prohibited
17 acts identified in this section shall constitute
18 grounds for disciplinary action against the pharmacist
19 or prescriber by the appropriate professional
20 licensing board. Each licensing board that licenses
21 prescribers and drug dispensers subject to the
22 provisions of this division may adopt rules in
23 accordance with chapter 17A to implement the
24 provisions of this section and may impose penalty as
25 allowed under section 272C.3. In addition, a civil
26 penalty not to exceed twenty-five thousand dollars for
27 each violation may be imposed.

28 1. A pharmacist who willfully and knowingly fails
29 to submit prescription information to the board or its
30 designee as required by this division, or who
31 knowingly and intentionally submits prescription
32 information known to the pharmacist to be false or
33 fraudulent, may be subject to disciplinary action by
34 the board.

35 2. A person authorized to access or receive
36 prescription information pursuant to this division who
37 willfully and knowingly discloses or attempts to
38 disclose such information with the intent to cause
39 harm to another person in violation of this division
40 is guilty of a class "D" felony.

41 3. A person who willfully and knowingly uses,
42 releases, publishes, or otherwise makes available to
43 another person any personally identifiable information
44 obtained from or contained in the database is guilty
45 of a serious misdemeanor.

46 4. A person without lawful authority who obtains
47 or attempts to obtain information, obtains or attempts
48 to obtain unauthorized access to, or who willfully and
49 knowingly alters or destroys valid information
50 contained in the database is guilty of a class "D"

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1 felony.

2 5. A person authorized to access or receive
3 prescription information pursuant to this division who
4 knowingly and intentionally discloses confidential
5 information to a person who is not authorized to
6 receive the information pursuant to this division is
7 guilty of a serious misdemeanor.

8 6. This section shall not preclude a pharmacist or
9 prescriber who requests and receives information from
10 the database consistent with the requirements of this
11 chapter from otherwise lawfully providing that
12 information to any other person for medical or
13 pharmaceutical care purposes."

14 2. Page 12, by inserting after line 12 the
15 following:

16 "Sec. __. EFFECTIVE DATE. The sections of this
17 Act relating to and establishing an electronic drug
18 database, being deemed of immediate importance, take
19 effect upon enactment."

20 3. Title page, by striking line 2, and inserting
21 the following: "providing for the creation of an
22 electronic drug database, establishing and
23 appropriating fees, providing penalties, and providing
24 an effective date."

25 4. By renumbering as necessary.

Amendment H-1432 was adopted.

Anderson of Page 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. 833)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn

Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Hoffman

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

INTRODUCTION OF BILLS

House File 872, by Gipp and Murphy, a bill for an act relating to local government innovation and providing an effective date.

Read first time and referred to committee on **local government**.

House File 873, by Gipp and Murphy, a bill for an act relating to recommendations of the education subcommittee of the governor's committee on local governance by providing for the development of a school sharing and efficiencies in operations process, the referral of certain issues to legislative standing committees for further review and consideration, and a study by the department of education concerning certain barriers to effective structure and delivery models that promote optimum student achievement.

Read first time and referred to committee on **education**.

Ways and Means Calendar

House File 859, a bill for an act relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date, was taken up for consideration.

Drake of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 859)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wildurdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Hoffman

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 857, a bill for an act relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-1453 filed by him from the floor and moved its adoption:

H-1453

- 1 Amend House File 857 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 15E.193B, subsection 2, Code
- 5 2005, is amended to read as follows:
- 6 2. An eligible housing business under this section
- 7 includes a housing developer, housing contractor, or
- 8 nonprofit organization that builds or rehabilitates a
- 9 minimum of four single-family homes with permanent
- 10 perimeter foundations located in that part of a city
- 11 or county in which there is a designated enterprise
- 12 zone or one multiple dwelling unit building with a
- 13 permanent perimeter foundation containing three or
- 14 more individual dwelling units located in that part of
- 15 a city or county in which there is a designated
- 16 enterprise zone."
- 17 2. Title page, line 1, by striking the words "the
- 18 transferability of".
- 19 3. Title page, by striking line 2 and inserting
- 20 the following: "businesses under the".
- 21 4. By renumbering as necessary.

Amendment H-1453 was adopted.

Soderberg of Plymouth 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. 857)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Hoffman

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

HOUSE FILE 670 WITHDRAWN

Soderberg of Plymouth asked and received unanimous consent to withdraw House File 670 from further consideration by the House.

HOUSE FILE 806 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 806 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 833, 857 and 859.**

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

- 2005\1272 Esther Finely, West Liberty – For celebrating her 90th birthday.
- 2005\1273 Richard and Nancy Weber, Sigourney – For celebrating their 50th wedding anniversary.
- 2005\1274 Kenneth and Elenor Miller, Fontanelle – For celebrating their 64th wedding anniversary.
- 2005\1275 Glenn and Sharon Gibson, Montezuma – For celebrating their 50th wedding anniversary.
- 2005\1276 Willie and Mavis Watts, Oskaloosa – For celebrating their 50th wedding anniversary.
- 2005\1277 Ron Arnaman, Grinnell – For celebrating his 80th birthday.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 302

Government Oversight: Eichhorn, Chair; Alons and Thomas.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 303 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including an effective date provision.

H.S.B. 304 Ways and Means

Relating to the technical and policy administration of the tax and related laws by the department of revenue, including administration of individual income, corporate income, local and state sales, use, property, motor fuel, and special fuel taxes, and of the environmental

protection surcharge, imposing penalties, and including effective and retroactive applicability date provisions.

RESOLUTIONS FILED

HR 48, by committee on ethics, a resolution amending the House code of ethics.

Placed on **calendar**.

HR 49, by Ford, a resolution requesting the establishment of a legislative interim study committee to review the adequacy of school bus and school bus operator safety requirements established in Code and administrative rules.

Laid over under **Rule 25**.

SCR 9, by Miller and Kreiman, a concurrent resolution relating to the creation of a criminal code revisions legislative study committee.

Laid over under **Rule 25**.

SCR 11, by Tinsman, a concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by older Iowans age 60 or older.

Laid over under **Rule 25**.

SCR 13, by Ragan, Boettger, Gronstal, Ward, Tinsman, Lundby, Angelo, Zieman, Danielson, Courtney, Dearden, Kreiman, Stewart, Hancock and Lamberti, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

Laid over under **Rule 25**.

AMENDMENTS FILED

H—1431	H.F.	829	Jenkins of Black Hawk Kurtenbach of Story Alons of Sioux
H—1436	H.F.	253	Senate Amendment
H—1437	H.F.	374	Senate Amendment
H—1438	H.F.	682	Senate Amendment
H—1442	H.F.	868	Miller of Webster Reichert of Muscatine
H—1447	H.F.	828	Freeman of Buena Vista Baudler of Adair
H—1450	S.C.R.	9	Paulsen of Linn
H—1451	H.F.	868	Hunter of Polk
Berry of Black Hawk			Bukta of Clinton
Fallon of Polk			Foege of Linn
Frevert of Palo Alto			Gaskill of Wapello
Heddens of Story			Jacoby of Johnson
Jochum of Dubuque			Kressig of Black Hawk
Kuhn of Floyd			Lensing of Johnson
Mascher of Johnson			McCarthy of Polk
R. Olson of Polk			Pettengill of Benton
Reasoner of Union			Shoultz of Black Hawk
D. Taylor Linn			T. Taylor of Linn
Wendt of Woodbury			Wessel-Kroeschell of Story
Whitaker of Van Buren			Whitead of Woodbury
Winckler of Scott			

On motion by Gipp of Winneshiek the House adjourned at 7:20 p.m., until 8:45 a.m., Thursday, April 21, 2005.