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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, APRIL 23, 2003**

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## JOURNAL OF THE HOUSE

One Hundred First Calendar Day - Seventy-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 23, 2003

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

Prayer was offered by Reverend John O'Connor, pastor of St. Boniface Catholic Church, New Vienna. He was the guest of Representative Steve Lukan of Dubuque County.

The Journal of April 22, 2003 was approved.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The House stood at ease at 9:00 p.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-one members present, thirty-nine absent.

### ADOPTION OF [SENATE CONCURRENT RESOLUTION 8](#)

Freeman of Buena Vista called up for consideration [Senate Concurrent Resolution 8](#), a concurrent resolution supporting the completion of U.S. Highway 20 across northern Iowa and requesting federal assistance, and moved its adoption.

The motion prevailed and the resolution was adopted.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 681**, a bill for an act relating to tax credits and associated refunds for cooperatives engaged in the production of value-added agricultural products, and providing for its applicability, 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. 681**)

The ayes were, 96:

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

The nays were, none.

Absent or not voting, 4:

Boddicker	Carroll	Fallon	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.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 681](#) and [Senate Concurrent Resolution 8](#).

#### 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 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 304](#), a bill for an act relating to the payment by a county of the agricultural land tax credit and reimbursement to the county of its payment and providing an effective date.

Also: That the Senate has on April 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 558](#), a bill for an act authorizing the department of human services to disclose information regarding the listing of an individual in the child or dependent abuse registry or the sex offender registry when it is necessary for the protection of a child or a dependent adult.

Also: That the Senate has on April 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 577](#), a bill for an act providing for a waiver of deadline requirements relating to whole-grade sharing agreements in specified school districts, and providing an effective date.

Also: That the Senate has on April 23, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 359](#), a bill for an act relating to landlords, tenants, and actions for forcible entry or detention.

Also: That the Senate has on April 23, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 366](#), a bill for an act relating to the Iowa probate code, including provisions relating to state inheritance, gift taxes, and trusts and including an applicability date provision.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 491](#) WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw [House File 491](#) from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 11:45 a.m., until 1:15 p.m.

AFTERNOON SESSION

The House reconvened at 1:16 p.m., Jacobs of Polk in the chair.

QUORUM CALL

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

INTRODUCTION OF BILL

[House Joint Resolution 10](#), by Greiner, a joint resolution nullifying amendments to administrative rules of the environmental protection commission of the department of natural resources relating to ammonia and hydrogen sulfide ambient air regulations and providing an effective date.

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

CONSIDERATION OF BILLS  
Ways and Means Calendar

[House File 679](#), a bill for an act relating to the new jobs and income program and providing a tax credit, was taken up for consideration.

Shultz of Black Hawk asked and received unanimous consent that amendment [H-1439](#) be deferred.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment [H-1403](#) filed by him and Miller of Webster on April 22, 2003.

Lukan of Dubuque offered the following amendment [H-1378](#) filed by him and moved its adoption:

H-1378

- 1 Amend [House File 679](#) as follows:
- 2 1. Page 5, by inserting after line 13 the
- 3 following:
- 4 "Sec. \_\_\_. EFFECTIVE AND RETROACTIVE APPLICABILITY
- 5 DATES. Sections 2 and 3 of this Act, relating to the
- 6 franchise tax credit, being deemed of immediate
- 7 importance, take effect May 1, 2003, and, if approved
- 8 by the governor after May 1, 2003, shall apply
- 9 retroactively to May 1, 2003."
- 10 2. Title page, line 1, by striking the words
- 11 "program and" and inserting the following:
- 12 "program,".
- 13 3. Title page, line 2, by inserting after the
- 14 word "credit" the following: ", and providing
- 15 effective and retroactive applicability dates".
- 16 4. By renumbering as necessary.

Amendment [H-1378](#) was adopted.

Jochum of Dubuque asked and received unanimous consent that amendment [H-1341](#) be deferred.

Shoultz of Black Hawk offered the following amendment [H-1439](#), previously deferred, filed by him from the floor and moved its adoption:

H-1439

- 1 Amend [House File 679](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 15.115 ACCOUNTABILITY.
- 5 1. If the department of economic development
- 6 determines that a recipient of financial assistance in
- 7 the form of a tax credit under a program administered
- 8 by the department of economic development has not met
- 9 performance measures and benchmarks developed by the
- 10 department, the department of economic development
- 11 shall notify the department of revenue and finance.
- 12 Upon notification, the department of revenue and
- 13 finance shall initiate an investigation of the failure
- 14 of the recipient to achieve the performance measures
- 15 and benchmarks. If the department of revenue and
- 16 finance determines that the performance and benchmarks
- 17 were not met by the recipient, the department of

18 revenue and finance shall initiate proceedings to  
19 recover state taxes received by the recipient.  
20 2. Any state taxes recovered by the department of  
21 revenue and finance shall be deposited in the state  
22 tax recovery fund. The state tax recovery fund is  
23 created in the state treasury under the control of the  
24 department of revenue and finance. Moneys in the fund  
25 are appropriated to the department of revenue and  
26 finance for purposes of initiating investigations and  
27 recovery proceedings under this section. On June 30  
28 of each fiscal year, any unobligated moneys remaining  
29 in the fund shall be deposited in a fund enacted by  
30 the general assembly during the 2003 legislative  
31 session and funded with bond sale proceeds totaling  
32 more than five hundred million dollars."  
33 2. Title page, line 1, by inserting after the  
34 word "program" the following: ", economic development  
35 accountability and funding,".  
36 3. By renumbering as necessary.

Amendment [H-1439](#) lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment [H-1341](#), previously deferred, filed by her on April 15, 2003.

The House stood at ease at 1:40 p.m., until the fall of the gavel.

The House resumed session at 1:55 p.m., Jacobs of Polk in the chair.

Huser of Polk offered the following amendment [H-1442](#) filed by her from the floor and moved its adoption:

H-1442

1 Amend [House File 679](#) as follows:  
2 1. Page 4, by inserting after line 20 the  
3 following:  
4 "Sec. \_\_\_\_ Section 15E.193B, subsection 4, Code  
5 2003, is amended to read as follows:  
6 4. The eligible housing business shall complete  
7 its building or rehabilitation within two years from  
8 the time the business begins construction on the  
9 single-family homes and dwelling units. The failure  
10 to complete construction or rehabilitation within two  
11 years shall result in the eligible housing business  
12 becoming ineligible and subject to the repayment  
13 requirements and penalties enumerated in subsection 7.  
14 The department may extend the prescribed two-year

15 completion period if the department determines that  
 16 completion within the two-year period is impossible or  
 17 impractical as a result of a substantial loss caused  
 18 by flood, fire, earthquake, storm, or other  
 19 catastrophe. For purposes of this subsection,  
 20 "substantial loss" means damage or destruction in an  
 21 amount in excess of thirty percent of the project's  
 22 expected eligible basis as set forth in the eligible  
 23 housing business's application."  
 24 2. Title page, by striking line 1 and inserting  
 25 the following: "An Act relating to economic  
 26 development by modifying the new jobs and income  
 27 program and the enterprise zone program and  
 28 providing".  
 29 3. By renumbering as necessary.

Amendment [H-1442](#) 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. 679](#))

The ayes were, 98:

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



The nays were, none.

Absent or not voting, 2:

Boddicker            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

Klemme of Plymouth asked and received unanimous consent that [House File 679](#) be immediately messaged to the Senate.

#### Appropriations Calendar

[House File 675](#), a bill for an act relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for appropriation of fees, and providing penalties, was taken up for consideration.

Upmeyer of Hancock offered the following amendment [H-1407](#) filed by her and moved its adoption:

H-1407

- 1 Amend [House File 675](#) as follows:
- 2 1. Page 1, by striking lines 10 through 22 and
- 3 inserting the following: "fire marshal shall be
- 4 deposited in the general fund of the state."
- 5 2. Page 1, by striking lines 28 and 29.
- 6 3. Page 2, by striking lines 2 through 16.
- 7 4. Page 2, line 24, by striking the word
- 8 "through" and inserting the following: "and".
- 9 5. Page 2, by striking lines 29 through 32.
- 10 6. Page 4, by striking line 1, and inserting the
- 11 following: "appeals".
- 12 7. Page 4, by striking lines 20 and 21.
- 13 8. Page 5, by striking lines 5 through 9, and
- 14 inserting the following: "recognizes as having
- 15 specific assisted living program standards equivalent
- 16 to the standards established by the department for
- 17 assisted".
- 18 9. Page 5, by striking lines 20 and 21, and
- 19 inserting the following:
- 20 "1. The department shall establish by".
- 21 10. Page 5, by striking lines 24 and 25, and

22 inserting the following: "department may adopt by  
23 reference".  
24 11. Page 5, line 30, by inserting after the word  
25 "with" the following: "the department of inspections  
26 and appeals, and".  
27 12. Page 6, by striking lines 13 through 15, and  
28 inserting the following: "assisted living programs,  
29 the department in consultation with the department of  
30 inspections and appeals and affected industry,  
31 professional, and".  
32 13. Page 7, by striking lines 1 and 2, and  
33 inserting the following: "for an assisted living  
34 program. A".  
35 14. Page 8, by striking lines 2 and 3, and  
36 inserting the following:  
37 "7. The department may also establish".  
38 15. Page 8, line 6, by inserting after the word  
39 "with" the following: "the department of inspections  
40 and appeals and".  
41 16. Page 8, line 9, by striking the words  
42 "political subdivision" and inserting the following:  
43 "governmental unit".  
44 17. Page 8, by striking lines 15 and 16, and  
45 inserting the following:  
46 "9. The department shall adopt rules".  
47 18. Page 8, line 21, by inserting after the word  
48 "with" the following: "the department of inspections  
49 and appeals and".  
50 19. Page 11, by striking lines 32 through 34, and

**Page 2**

1 inserting the following:  
2 "2. The department, in consultation with the  
3 department of inspections and appeals and affected  
4 industry, professional, and consumer groups,".  
5 20. Page 12, line 16, by striking the words "of  
6 elder affairs".  
7 21. Page 16, by striking lines 17 and 18, and  
8 inserting the following:  
9 "The department may establish by rule,".  
10 22. Page 18, by striking lines 11 through 13, and  
11 inserting the following:  
12 "1. The department of inspections and appeals  
13 shall collect assisted living program certification  
14 and related fees. An".  
15 23. Page 18, by striking lines 20 through 33 and  
16 inserting the following: "deposited in the general  
17 fund of the state.  
18 2. The following certification and related fees  
19 shall apply to assisted living programs:  
20 a. For a two-year initial certification, seven

- 21 hundred fifty dollars.  
 22 b. For a two-year recertification, one thousand  
 23 dollars.  
 24 c. For a blueprint plan review, nine hundred  
 25 dollars.  
 26 d. For an optional preliminary plan review, five  
 27 hundred dollars."  
 28 24. Title page, line 3, by striking the words  
 29 "appropriation of".  
 30 25. By renumbering as necessary.

Amendment [H-1407](#) 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. 675](#))

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Boddicker                      Heaton                      Rants, Spkr.

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

#### IMMEDIATE MESSAGE

Klemme of Plymouth asked and received unanimous consent that [House File 675](#) be immediately messaged to the Senate.

#### [HOUSE FILE 582](#) WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw [House File 582](#) from further consideration by the House.

Roberts of Carroll in the chair at 2:13 p.m.

[House File 663](#), a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option sales and services taxes for school infrastructure purposes and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date, was taken up for consideration.

Tymeson of Madison offered the following amendment [H-1375](#) filed by her and moved its adoption:

H-1375

- 1 Amend [House File 663](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 422E.1, subsections 2 and 3,
- 5 Code 2003, are amended to read as follows:
- 6 2. The maximum rate of tax shall be one percent.
- 7 The tax shall be imposed without regard to any other
- 8 local sales and services tax authorized in chapter
- 9 422B, and is repealed at the expiration of a period of
- 10 ten years of imposition or a shorter period as
- 11 provided in the ballot proposition. However, all
- 12 local option sales and services taxes for school
- 13 infrastructure purposes are repealed December 31,
- 14 2022.

15 3. Local sales and services tax moneys received by  
16 a county for school infrastructure purposes pursuant  
17 to this chapter shall be utilized ~~solely~~ for school  
18 infrastructure needs or property tax relief. For  
19 purposes of this chapter, "school infrastructure"  
20 means those activities for which a school district is  
21 authorized to contract indebtedness and issue general  
22 obligation bonds under section 296.1, except those  
23 activities related to a teacher's or superintendent's  
24 home or homes. These activities include the  
25 construction, reconstruction, repair, demolition work,  
26 purchasing, or remodeling of schoolhouses, stadiums,  
27 gyms, fieldhouses, and bus garages and the procurement  
28 of schoolhouse construction sites and the making of  
29 site improvements. Additionally, "school  
30 infrastructure" includes the payment or retirement of  
31 outstanding bonds previously issued for school  
32 infrastructure purposes as defined in this subsection,  
33 and the payment or retirement of bonds issued under  
34 section 422E.4.

35 Sec. 2. Section 422E.2, subsection 3, Code 2003,  
36 is amended to read as follows:

37 3. The county commissioner of elections shall  
38 submit the question of imposition of a local sales and  
39 services tax for school infrastructure purposes at a  
40 state general election or at a special election held  
41 at any time other than the time of a city regular  
42 election. The election shall not be held sooner than  
43 sixty days after publication of notice of the ballot  
44 proposition. The ballot proposition shall specify the  
45 rate of tax, the date the tax will be imposed and  
46 repealed, and shall contain a statement as to the  
47 specific purpose or purposes for which the revenues  
48 shall be expended. The content of the ballot  
49 proposition shall be substantially similar to the  
50 petition of the board of supervisors or motions of a

Page 2

1 school district or school districts requesting the  
2 election as provided in subsection 2, as applicable,  
3 including the rate of tax, imposition and repeal date,  
4 and the specific purpose or purposes for which the  
5 revenues will be expended. The dates for the  
6 imposition and repeal of the tax shall be as provided  
7 in subsection 1. The rate of tax shall not be more  
8 than one percent ~~as set by the county board of~~  
9 ~~supervisors.~~ The state commissioner of elections  
10 shall establish by rule the form for the ballot  
11 proposition which form shall be uniform throughout the  
12 state.

13 Sec. 3. Section 422E.2, Code 2003, is amended by

14 adding the following new subsection:  
15 NEW SUBSECTION. 3A. a. Each school district  
16 located within the county may submit a revenue purpose  
17 statement to the county commissioner of elections no  
18 later than sixty days prior to the election indicating  
19 the specific purpose or purposes for which the local  
20 sales and services tax for school infrastructure  
21 revenue and supplemental school infrastructure amount  
22 revenue will be expended. The revenues received  
23 pursuant to this chapter shall be expended for the  
24 purposes indicated in the revenue purpose statement.  
25 The revenue purpose statement may include information  
26 regarding the school district's use of the revenues to  
27 provide for property tax relief or debt reduction. A  
28 copy of the revenue purpose statement shall be made  
29 available for public inspection in accordance with  
30 chapter 22, shall be posted at the appropriate polling  
31 places of each school district during the hours that  
32 the polls are open, and be published in a newspaper of  
33 general circulation in the school district no sooner  
34 than twenty days and no later than ten days prior to  
35 the election.  
36 b. If a revenue purpose statement is not submitted  
37 sixty days prior to the election or revenues remain  
38 after fulfilling the purpose specified in the revenue  
39 purpose statement, the revenues shall be used to  
40 reduce the following levies in the following order:  
41 (1) Bond levies under sections 298.18 and 298.18A  
42 and all other debt levies, until the moneys received  
43 or the levies are reduced to zero.  
44 (2) The regular physical plant and equipment levy  
45 under section 298.2, until the moneys received or the  
46 levy is reduced to zero.  
47 (3) The voter-approved physical plant and  
48 equipment levy and income surtax, if any, under  
49 section 298.2, until the moneys received or the levy  
50 and income surtax, if any, is reduced to zero.

Page 3

1 (4) The public educational and recreational levy  
2 under section 300.2, until the moneys received or the  
3 levy is reduced to zero.  
4 (5) The schoolhouse tax levy under section 278.1,  
5 subsection 7, Code 1989, until the moneys received or  
6 the levy is reduced to zero.  
7 Any money remaining after the reduction of the  
8 levies specified in this paragraph "b" may be used for  
9 any authorized infrastructure purpose of the school  
10 district.  
11 c. Counties holding an election on the local sales  
12 and services tax for school infrastructure purposes on

13 or after April 1, 2003, but before July 1, 2003, which  
14 approve the imposition of the tax at the election  
15 shall expend the revenues for any authorized  
16 infrastructure purpose of the school district.

17 Sec. 4. Section 422E.2, subsection 4, Code 2003,  
18 is amended to read as follows:

19 4. a. The tax may be repealed or the rate  
20 increased, but not above one percent, or decreased, or  
21 the use of the revenues changed after an election at  
22 which a majority of those voting on the question of  
23 repeal, ~~or~~ rate change, or change in use favored the  
24 repeal, ~~or~~ rate change, or change in use. The  
25 election at which the question of repeal, ~~or~~ rate  
26 change, or change in use is offered shall be called  
27 and held in the same manner and under the same  
28 conditions as provided in this section for the  
29 election on the imposition of the tax. However, an  
30 election on the change in use shall only be held in  
31 the school district where the change in use is  
32 proposed to occur. The election may be held at any  
33 time but not sooner than sixty days following  
34 publication of the ballot proposition. However, the  
35 tax shall not be repealed before it has been in effect  
36 for one year.

37 b. Within ten days of the election at which a  
38 majority of those voting on the question favors the  
39 imposition, repeal, or change in the rate of the tax,  
40 the county auditor shall give written notice of the  
41 result of the election by sending a copy of the  
42 abstract of the votes from the favorable election to  
43 the director of revenue and finance. Election costs  
44 shall be apportioned among school districts within the  
45 county on a pro rata basis in proportion to the number  
46 of registered voters in each school district who  
47 reside within the county and the total number of  
48 registered voters within the county.

49 c. A local option sales and services tax shall not  
50 be repealed or reduced in rate if obligations are

Page 4

1 outstanding which are payable as provided in section  
2 422E.4, unless funds sufficient to pay the principal,  
3 interest, and premium, if any, on the outstanding  
4 obligations at and prior to maturity have been  
5 properly set aside and pledged for that purpose.  
6 However, this paragraph does not apply to the repeal  
7 of the tax on December 31, 2022, as specified in  
8 section 422E.1, subsection 2.

9 Sec. 5. Section 422E.3, subsection 4, Code 2003,  
10 is amended to read as follows:

11 4. The director of revenue and finance shall

12 credit tax receipts and interest and penalties from  
 13 the local sales and services tax for school  
 14 infrastructure purposes to an account within the  
 15 ~~county's local sales and services tax fund, as created~~  
 16 ~~in section 422B.10, subsection 1~~ secure an advanced  
 17 vision for education fund, as provided in section  
 18 422E.3A, maintained in the name of the school district  
 19 or school districts located within the county. If the  
 20 director is unable to determine from which county any  
 21 of the receipts were collected, those receipts shall  
 22 be allocated among the possible counties based on  
 23 allocation rules adopted by the director.

24 Sec. 6. Section 422E.3, subsection 5, unnumbered  
 25 paragraph 1, Code 2003, is amended to read as follows:

26 d. (1) If more than one school district, or a  
 27 portion of a school district, is located within the  
 28 county, tax receipts shall be remitted to each school  
 29 district or portion of a school district in which the  
 30 county tax is imposed in a pro rata share based upon  
 31 the ratio which the ~~percentage of~~ actual enrollment  
 32 for the school district that attends school in the  
 33 county bears to ~~the percentage of~~ the total combined  
 34 actual enrollments for all school districts that  
 35 attend school in the county.

36 (2) The combined actual enrollment for a county,  
 37 for purposes of this section, shall be determined for  
 38 each county ~~imposing a sales and services tax for~~  
 39 ~~school infrastructure purposes~~ by the department of  
 40 management based on the actual enrollment figures  
 41 reported by October 1 to the department of management  
 42 by the department of education pursuant to section  
 43 257.6, subsection 1. The combined actual enrollment  
 44 count shall be forwarded to the director of ~~the~~  
 45 ~~department of management~~ revenue and finance by March  
 46 1, annually, for purposes of supplying estimated tax  
 47 payment figures and making estimated tax payments  
 48 pursuant to this section for the following fiscal  
 49 year.

50 e. Notwithstanding the amount of tax receipts

Page 5

1 credited to the account within the secure an advanced  
 2 vision for education fund maintained in the name of a  
 3 school district, the amount of tax receipts the school  
 4 district shall receive from the tax imposed in the  
 5 county shall be determined as provided in section  
 6 422E.3A, subsection 2.

7 Sec. 7. Section 422E.3, subsection 7, Code 2003,  
 8 is amended to read as follows:

9 7. Construction contractors may make application  
 10 to the department for a refund of the additional local



11 sales and services tax paid under this chapter by  
12 reason of taxes paid on goods, wares, or merchandise  
13 under the conditions specified in section 422B.11.  
14 The refund shall be paid by the department from the  
15 appropriate school district's account in the ~~local~~  
16 ~~sales and services tax~~ secure an advanced vision for  
17 education fund. The penalty provisions contained in  
18 section 422B.11, subsection 3, shall apply regarding  
19 an erroneous application for refund of local sales and  
20 services tax paid under this chapter.  
21 Sec. 8. NEW SECTION. 422E.3A SECURE AN ADVANCED  
22 VISION FOR EDUCATION FUND.  
23 1. A secure an advanced vision for education fund  
24 is created as a separate and distinct fund in the  
25 state treasury under the control of the department of  
26 revenue and finance. Moneys in the fund include  
27 revenues credited to the fund pursuant to this  
28 chapter, appropriations made to the fund, and other  
29 moneys deposited into the fund. Any amounts disbursed  
30 from the fund shall be utilized for school  
31 infrastructure purposes or property tax relief.  
32 2. The moneys credited in a fiscal year to the  
33 secure an advanced vision for education fund shall be  
34 distributed as follows:  
35 a. A school district that is located in whole or  
36 in part in a county that voted on and approved prior  
37 to April 1, 2003, the local sales and services tax for  
38 school infrastructure purposes and that has a sales  
39 tax capacity per student above the guaranteed school  
40 infrastructure amount shall receive an amount equal to  
41 its pro rata share of the local sales and services tax  
42 receipts as provided in section 422E.3, subsection 5,  
43 paragraph "d".  
44 b. (1) A school district that is located in whole  
45 or in part in a county that voted on and approved  
46 prior to April 1, 2003, the local sales and services  
47 tax for school infrastructure purposes and that has a  
48 sales tax capacity per student below its guaranteed  
49 school infrastructure amount shall receive an amount  
50 equal to its pro rata share of the local sales and

Page 6

1 services tax receipts as provided in section 422E.3,  
2 subsection 5, paragraph "d", plus an amount equal to  
3 its supplemental school infrastructure amount.  
4 (2) A school district that is located in whole or  
5 in part in a county that voted on and approved on or  
6 after April 1, 2003, the local sales and services tax  
7 for school infrastructure purposes shall receive an  
8 amount equal to its pro rata share of the local sales  
9 and services tax receipts as provided in section

10 422E.3, subsection 5, paragraph "d", not to exceed its  
 11 guaranteed school infrastructure amount. However, if  
 12 the school district's pro rata share is less than its  
 13 guaranteed school infrastructure amount, the district  
 14 shall receive an additional amount equal to its  
 15 supplemental school infrastructure amount.

16 (3) A school district that is located in whole or  
 17 in part in a county that voted on and approved the  
 18 continuation of the tax on or after April 1, 2003, the  
 19 local sales and services tax for school infrastructure  
 20 purposes shall receive an amount equal to its pro rata  
 21 share of the local sales and services tax receipts as  
 22 provided in section 422E.3, subsection 5, paragraph  
 23 "d", not to exceed its guaranteed school  
 24 infrastructure amount. However, if the school  
 25 district's pro rata share is less than its guaranteed  
 26 school infrastructure amount, the district shall  
 27 receive an additional amount equal to its supplemental  
 28 school infrastructure amount.

29 (4) The amount distributed under this paragraph  
 30 "b" which a school district receives shall not exceed  
 31 the guaranteed school infrastructure amount. A school  
 32 district qualifying for a supplemental school  
 33 infrastructure amount pursuant to this paragraph "b"  
 34 shall not receive more than the guaranteed school  
 35 infrastructure amount in any subsequent year.

36 c. In the case of a school district located in  
 37 more than one county, the amount to be distributed to  
 38 the school district shall be separately computed for  
 39 each county based upon the school district's actual  
 40 enrollment that attends school in the county.

41 3. a. The director of revenue and finance by June  
 42 1 preceding each fiscal year shall compute the  
 43 guaranteed school infrastructure amount for each  
 44 school district, each school district's sales tax  
 45 capacity per student for each county, the statewide  
 46 tax revenues per student, and the supplemental school  
 47 infrastructure amount for the coming fiscal year.

48 b. For purposes of distributions under subsection  
 49 2:

50 (1) "Guaranteed school infrastructure amount"

Page 7

1 means for a school district the statewide tax revenues  
 2 per student, multiplied by the quotient of the tax  
 3 rate percent imposed in the county, divided by one  
 4 percent and multiplied by the quotient of the number  
 5 of quarters the tax is imposed during the fiscal year  
 6 divided by four quarters.

7 (2) "Sales tax capacity per student" means for a  
 8 school district the estimated amount of revenues that

9 a school district receives or would receive if a local  
10 sales and services tax for school infrastructure  
11 purposes is imposed at one percent in the county  
12 pursuant to section 422E.2, divided by the school  
13 district's actual enrollment as determined in section  
14 422E.3, subsection 5, paragraph "d".

15 (3) "Statewide tax revenues per student" means the  
16 amount determined by estimating the total revenues  
17 that would be generated by a one percent local option  
18 sales and services tax for school infrastructure  
19 purposes if imposed by all the counties during the  
20 entire fiscal year and dividing this estimated revenue  
21 amount by the sum of the combined actual enrollment  
22 for all counties as determined in section 422E.3,  
23 subsection 5, paragraph "d", subparagraph (2).

24 (4) "Supplemental school infrastructure amount"  
25 means the guaranteed school infrastructure amount for  
26 the school district less its pro rata share of local  
27 sales and services tax for school infrastructure  
28 purposes as provided in section 422E.3, subsection 5,  
29 paragraph "d".

30 4. a. For the purposes of distribution under  
31 subsection 2, paragraph "b", subparagraph (1), a  
32 school district with a sales tax capacity per student  
33 below its guaranteed school infrastructure amount  
34 shall use the amount equal to the guaranteed school  
35 infrastructure amount less the pro rata share amount  
36 in accordance with section 422E.3, subsection 5,  
37 paragraph "d", for the purpose of paying principal and  
38 interest on outstanding bonds previously issued for  
39 school infrastructure purposes as defined in section  
40 422E.1, subsection 3. Any money remaining after the  
41 payment of all principal and interest on outstanding  
42 bonds previously issued for infrastructure purposes  
43 may be used for any authorized infrastructure purpose  
44 of the school district. If a majority of the voters  
45 in the school district approves the use of revenue  
46 pursuant to a revenue purpose statement in an election  
47 held after July 1, 2003, in the school district  
48 pursuant to section 422E.2, the school district may  
49 use the amount for the purposes specified in its  
50 revenue purpose statement.

Page 8

1 b. Nothing in this section shall prevent a school  
2 district from using its sales tax capacity per student  
3 or guaranteed school infrastructure amount to pay  
4 principal and interest on obligations issued pursuant  
5 to section 422E.4.

6 5. In the case of a deficiency in the fund to pay  
7 the supplemental school infrastructure amounts in

8 full, the amount available in the fund less the sales  
9 and services tax revenues for school infrastructure  
10 purposes attributed to each school district should be  
11 allocated based on the proportion of actual enrollment  
12 in the district to the combined actual enrollment in  
13 the counties where the sales and services tax for  
14 school infrastructure purposes has been imposed and  
15 the school districts in the counties qualify for the  
16 supplemental school infrastructure amount.

17 6. A school district with less than two hundred  
18 fifty actual enrollment or less than one hundred  
19 actual enrollment in the high school shall not expend  
20 the supplemental school infrastructure amount received  
21 for new construction or for payments for bonds issued  
22 for new construction against the supplemental school  
23 infrastructure amount without prior application to the  
24 department of education and receipt of a certificate  
25 of need pursuant to this subsection. However, a  
26 certificate of need is not required for the payment of  
27 outstanding bonds issued for new construction pursuant  
28 to section 296.1, before April 1, 2003. A certificate  
29 of need is also not required for repairing  
30 schoolhouses or buildings, equipment, technology, or  
31 transportation equipment for transporting students as  
32 provided in section 298.3, or for construction  
33 necessary for compliance with the federal Americans  
34 With Disabilities Act pursuant to 42 U.S.C. § 12101-  
35 12117. In determining whether a certificate of need  
36 shall be issued or denied, the department shall  
37 consider all of the following:

- 38 a. Enrollment trends in the grades that will be  
39 served at the new construction site.
- 40 b. The infeasibility of remodeling,  
41 reconstructing, or repairing existing buildings.
- 42 c. The fire and health safety needs of the school  
43 district.
- 44 d. The distance, convenience, cost of  
45 transportation, and accessibility of the new  
46 construction site to the students to be served at the  
47 new construction site.
- 48 e. Availability of alternative, less costly, or  
49 more effective means of serving the needs of the  
50 students.

Page 9

- 1 f. The financial condition of the district,  
2 including the effect of the decline of the budget  
3 guarantee and unspent balance.
- 4 g. Broad and long-term ability of the district to  
5 support the facility and the quality of the academic  
6 program.

7 h. Cooperation with other educational entities  
8 including other school districts, area education  
9 agencies, postsecondary institutions, and local  
10 communities.

11 Sec. 9. Section 422E.4, unnumbered paragraphs 1  
12 and 2, Code 2003, are amended to read as follows:  
13 The board of directors of a school district shall  
14 be authorized to issue negotiable, interest-bearing  
15 school bonds, without election, and utilize tax  
16 receipts derived from the sales and services tax for  
17 school infrastructure purposes and the supplemental  
18 school infrastructure amount distributed pursuant to  
19 section 422E.3A, subsection 2, paragraph "b", for  
20 principal and interest repayment. Proceeds of the  
21 bonds issued pursuant to this section shall be  
22 utilized solely for school infrastructure needs as  
23 school infrastructure is defined in section 422E.1,  
24 subsection 3. Issuance of bonds pursuant to this  
25 section shall be permitted only in a district which  
26 has imposed a local sales and services tax for school  
27 infrastructure purposes pursuant to section 422E.2.  
28 The provisions of sections 298.22 through 298.24 shall  
29 apply regarding the form, rate of interest,  
30 registration, redemption, and recording of bond issues  
31 pursuant to this section, with the exception that the  
32 maximum period during which principal on the bonds is  
33 payable shall not exceed ~~a ten year period, or~~ the  
34 date of repeal stated on the ballot proposition.

35 A school district in which a local option sales tax  
36 for school infrastructure purposes has been imposed  
37 shall be authorized to enter into a chapter 28E  
38 agreement with one or more cities or a county whose  
39 boundaries encompass all or a part of the area of the  
40 school district. A city or cities entering into a  
41 chapter 28E agreement shall be authorized to expend  
42 its designated portion of the local option sales and  
43 services tax revenues for any valid purpose permitted  
44 in this chapter or authorized by the governing body of  
45 the city. A county entering into a chapter 28E  
46 agreement with a school district in which a local  
47 option sales tax for school infrastructure purposes  
48 has been imposed shall be authorized to expend its  
49 designated portion of the local option sales and  
50 services tax revenues to provide property tax relief

Page 10

1 within the boundaries of the school district located  
2 in the county. A school district where a local option  
3 sales and services tax is imposed is also authorized  
4 to enter into a chapter 28E agreement with another  
5 school district, a community college, or an area

6 education agency which is located partially or  
7 entirely in or is contiguous to the county where the  
8 tax is imposed. The school district or community  
9 college shall only expend its designated portion of  
10 the local option sales and services tax for  
11 infrastructure purposes. The area education agency  
12 shall only expend its designated portion of the local  
13 option school infrastructure sales tax for  
14 infrastructure and maintenance purposes.  
15 Sec. 10. NEW SECTION. 422E.6 REPEAL.  
16 This chapter is repealed June 30, 2023, for fiscal  
17 years beginning after that date.  
18 Sec. 11. EFFECTIVE DATE. This Act, being deemed  
19 of immediate importance, takes effect upon enactment."

A non-record roll call was requested.

The ayes were 45, nays 17.

Amendment [H-1375](#) was adopted placing out of order the following amendments:

Amendment [H-1227](#) filed by Wendt of Woodbury on April 2, 2003.

Amendment [H-1278](#) filed by Wendt of Woodbury on April 7, 2003.

Amendment [H-1286](#) filed by Hogg of Linn on April 8, 2003.

Amendment [H-1351](#) filed by Tymeson of Madison on April 16, 2003.

Amendment [H-1360](#) filed by Hogg of Linn on April 16, 2003.

[SENATE FILE 445](#) SUBSTITUTED FOR [HOUSE FILE 663](#)

Tymeson of Madison asked and received unanimous consent to substitute [Senate File 445](#) for [House File 663](#).

[Senate File 445](#), a bill for an act relating to the establishment of a school infrastructure financing program by providing for the sharing of revenues from local option sales and services taxes for school infrastructure purposes and providing for the use of the revenues from the local option tax for school infrastructure or property tax relief purposes and including an effective date, was taken up for consideration.

Wendt of Woodbury offered the following amendment [H-1364](#) filed by him and moved its adoption:

H-1364

1 Amend [Senate File 445](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. NEW SECTION. 298.2A PHYSICAL PLANT  
6 AND EQUIPMENT LEVY STATE FUND – DISTRIBUTION.  
7 1. A physical plant and equipment levy state fund  
8 is created as a separate and distinct fund in the  
9 state treasury under the control of the department of  
10 education. Moneys in the fund include revenues  
11 deposited into the fund pursuant to subsection 2,  
12 appropriations made to the fund, and other moneys  
13 deposited into the fund. Any moneys disbursed from  
14 the fund shall be used as provided in section 298.3.  
15 2. For the school budget year beginning July 1,  
16 2004, and for each succeeding budget year, the county  
17 treasurer shall remit to the department of education  
18 for deposit into the physical plant and equipment levy  
19 state fund the property tax revenues received from the  
20 collection during the school budget year of the  
21 regular physical plant and equipment levy.  
22 3. The amount deposited in the physical plant and  
23 equipment levy state fund in a budget year shall be  
24 distributed as follows:  
25 a. A school district that imposed during the  
26 budget year beginning July 1, 2003, the regular  
27 physical plant and equipment levy and that has an  
28 infrastructure tax capacity per student above the  
29 guaranteed school infrastructure amount shall receive  
30 an amount equal to the amount raised by its regular  
31 physical plant and equipment levy.  
32 b. (1) A school district that imposed during the  
33 budget year beginning July 1, 2003, the regular  
34 physical plant and equipment levy and that has an  
35 infrastructure tax capacity per student below its  
36 guaranteed school infrastructure amount shall receive  
37 an amount equal to the amount raised by its regular  
38 physical plant and equipment levy plus an amount equal  
39 to its supplemental school infrastructure amount.  
40 (2) A school district that did not impose during  
41 but imposed after the budget year beginning July 1,  
42 2003, the regular physical plant and equipment levy  
43 shall receive an amount equal to the amount raised by  
44 the regular physical plant and equipment levy, not to  
45 exceed its guaranteed school infrastructure amount.  
46 However, if the amount raised is less than its  
47 guaranteed school infrastructure amount, the district  
48 shall receive an additional amount equal to its  
49 supplemental school infrastructure amount.  
50 (3) A school district that had not imposed during

Page 2

1 the prior budget year the regular physical plant and  
2 equipment levy shall receive an amount equal to the  
3 amount raised by the regular physical plant and  
4 equipment levy not to exceed its guaranteed school  
5 infrastructure amount. However, if the amount raised  
6 is less than its guaranteed school infrastructure  
7 amount, the district shall receive an additional  
8 amount equal to its supplemental school infrastructure  
9 amount.

10 (4) The amount distributed under this paragraph  
11 "b" which a school district receives shall not exceed  
12 the guaranteed school infrastructure amount. A school  
13 district qualifying for a supplemental school  
14 infrastructure amount pursuant to this paragraph "b"  
15 shall not receive more than the guaranteed school  
16 infrastructure amount in any subsequent year.

17 4. a. The department of education by June 1  
18 preceding each budget year shall compute the  
19 guaranteed school infrastructure amount for each  
20 school district, each school district's infrastructure  
21 tax capacity per student, the statewide tax revenues  
22 per student, and the supplemental school  
23 infrastructure amount for the coming budget year.

24 b. For purposes of distributions under subsection  
25 2:

26 (1) "Guaranteed school infrastructure amount"  
27 means for a school district the statewide tax revenues  
28 per student, multiplied by the quotient of the regular  
29 physical plant and equipment levy rate per thousand  
30 dollars imposed in the school district, divided by  
31 thirty-three cents per thousand dollars.

32 (2) "Infrastructure tax capacity per student"  
33 means for a school district the estimated amount of  
34 revenues that a school district receives or would  
35 receive if the regular physical plant and equipment  
36 levy of thirty-three cents per thousand dollars is  
37 imposed divided by the school district's actual  
38 enrollment as determined in section 257.6, subsection  
39 1.

40 (3) "Statewide tax revenues per student" means the  
41 amount determined by estimating the total revenues  
42 that would be generated by a regular physical plant  
43 and equipment levy of thirty-three cents per thousand  
44 dollars if imposed by all the school districts during  
45 the budget year and dividing this estimated revenue  
46 amount by the sum of the combined actual enrollment  
47 for all school districts as determined in section  
48 257.6, subsection 1.

49 (4) "Supplemental school infrastructure amount"  
50 means the guaranteed school infrastructure amount for



Page 3

1 the school district less the amount raised by its  
2 regular physical plant and equipment levy.  
3 5. In the case of a deficiency in the fund to pay  
4 the supplemental school infrastructure amounts in  
5 full, the amount available in the fund less the amount  
6 raised by the regular levy attributed to each school  
7 district should be allocated based on the proportion  
8 of actual enrollment in the district to the combined  
9 actual enrollment of the school districts that qualify  
10 for the supplemental school infrastructure amount.  
11 6. A school district with less than two hundred  
12 fifty actual enrollment or less than one hundred  
13 actual enrollment in the high school shall not expend  
14 the supplemental school infrastructure amount received  
15 for new construction or for payments for bonds issued  
16 for new construction against the supplemental school  
17 infrastructure amount without prior application to the  
18 department of education and receipt of a certificate  
19 of need pursuant to this subsection. However, a  
20 certificate of need is not required for the payment of  
21 outstanding bonds issued for new construction pursuant  
22 to section 296.1, before April 1, 2003. A  
23 certification of need is also not required for  
24 repairing schoolhouses or buildings, equipment,  
25 technology, or transportation equipment for  
26 transporting students as provided in section 298.3, or  
27 for construction necessary for compliance with the  
28 federal Americans With Disabilities Act pursuant to 42  
29 U.S.C. § 12101-12117. In determining whether a  
30 certificate of need shall be issued, the department  
31 shall consider all of the following:  
32 a. Enrollment trends in the grades that will be  
33 served at the new construction site.  
34 b. The infeasibility of remodeling,  
35 reconstructing, or repairing existing buildings.  
36 c. The fire and health safety needs of the school  
37 district.  
38 d. The distance, convenience, cost of  
39 transportation, and accessibility of the new  
40 construction site to the students to be served at the  
41 new construction site.  
42 e. Availability of alternative, less costly, or  
43 more effective means of serving the needs of the  
44 students.  
45 f. Any other criteria deemed appropriate as set by  
46 rules of the state board of education.  
47 7. This section does not apply to the collection  
48 and distribution of any voter-approved physical plant  
49 and equipment levy."  
50 2. Title page, line 4, by inserting after the

Page 4

- 1 word "purposes" the following: "and the regular
- 2 physical plant and equipment levies".

A non-record roll call was requested.

The ayes were 37, nays 47.

Amendment [H-1364](#) lost.

Huser of Polk asked and received unanimous consent that amendment [H-1438](#) be deferred.

Hogg of Linn offered the following amendment [H-1376](#) filed by him and moved its adoption:

H-1376

- 1 Amend [Senate File 445](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 9, by striking the word and
- 4 figures "[December 31, 2022](#)" and inserting the
- 5 following: "[June 30, 2013](#)".
- 6 2. Page 4, line 30, by striking the word and
- 7 figures "[December 31, 2022](#)" and inserting the
- 8 following: "[June 30, 2013](#)".
- 9 3. Page 12, line 23, by striking the figure
- 10 "2023" and inserting the following: "2013".
- 11 4. Page 12, by inserting after line 24 the
- 12 following:
- 13 "Sec.     . NEW SECTION. 422F.1 SCHOOL
- 14 MISCELLANEOUS INCOME FUND – STATE SALES TAX REVENUES.
- 15 1. A school miscellaneous income fund is created
- 16 as a separate and distinct fund in the state treasury
- 17 under the control of the department of revenue and
- 18 finance. Moneys in the fund include revenues
- 19 appropriated to the fund as provided in subsection 2
- 20 and other moneys deposited into or appropriated to the
- 21 fund.
- 22 2. For the fiscal year beginning July 1, 2013, and
- 23 for each subsequent fiscal year, there is appropriated
- 24 from the general fund of the state to the school
- 25 miscellaneous income fund an amount equal to the
- 26 amount raised during the fiscal year by a one percent
- 27 sales tax pursuant to chapter 422, division IV.
- 28 3. The moneys in the school miscellaneous income
- 29 fund shall be distributed during the fiscal year to
- 30 each school district on a per pupil basis. The amount
- 31 per pupil shall be determined by dividing the total

32 amount in the fund by the combined actual enrollment  
33 for all school districts in the state. The actual  
34 enrollment for each school district is the actual  
35 enrollment figures reported by October 1 to the  
36 department of management by the department of  
37 education pursuant to section 257.6, subsection 1.  
38 The combined actual enrollment count shall be  
39 forwarded to the department of revenue and finance by  
40 March 1, annually, for purposes of supplying estimated  
41 tax payment figures and making estimated tax payments  
42 pursuant to section 422F.2 for the following fiscal  
43 year.

44 Sec. \_\_. NEW SECTION. 422F.2 DISTRIBUTION OF  
45 FUND MONEYS.

46 1. The director of revenue and finance by August  
47 15 of each fiscal year shall send to each school  
48 district an estimate of the amount of moneys from the  
49 school miscellaneous income fund each school district  
50 will receive for the year and for each month of the

Page 2

1 year. At the end of each month, the director may  
2 revise the estimates for the year and remaining  
3 months.

4 2. The director shall remit ninety-five percent of  
5 the estimated distributions for the school district to  
6 the school district on or before August 31 of the  
7 fiscal year and on or before the last day of each  
8 following month.

9 3. The director shall remit a final payment of the  
10 remainder of distributions due for the fiscal year  
11 before November 10 of the next fiscal year. If an  
12 overpayment has resulted during the previous fiscal  
13 year, the November payment shall be adjusted to  
14 reflect any overpayment.

15 4. Moneys received by a school district pursuant  
16 to this chapter may be used for any educational  
17 purposes for which the school district may spend  
18 moneys.

19 Sec. \_\_. NEW SECTION. 422F.3 EFFECTIVE DATE.

20 This chapter takes effect January 1, 2013."

21 5. Title page, line 6, by inserting after the  
22 word "purposes" the following:", and providing for  
23 state sales tax revenues to be used for school  
24 educational purposes,".

Amendment [H-1376](#) lost.

Tymeson of Madison offered the following amendment [H-1374](#) filed by her and moved its adoption:

H-1374

1 Amend [Senate File 445](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 22, by inserting after the word  
4 "improvements" the following: "and those activities  
5 for which revenues under section 298.3 or 300.2 may be  
6 spent".

Amendment [H-1374](#) was adopted.

Hogg of Linn offered the following amendment [H-1377](#) filed by him and moved its adoption:

H-1377

1 Amend [Senate File 445](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 5, line 34, through page 6,  
4 line 4, and inserting following:  
5 "e. The amount of tax receipts credited to the  
6 account within the secure an advanced vision for  
7 education fund maintained in the name of a school  
8 district shall be distributed to that school district  
9 as provided in paragraphs "a", "b", and "c". Any  
10 additional moneys available to the school district  
11 from the fund shall be determined and distributed as a  
12 supplemental school infrastructure amount as provided  
13 in section 422E.3A, subsection 3."  
14 2. Page 6, line 25, by inserting after the word  
15 "fund." the following: "Appropriations made to the  
16 fund shall be credited to a separate appropriations  
17 account."  
18 3. By striking page 6, line 28 through page 10,  
19 line 5 and inserting the following:  
20 "2. a. For purposes of the distributions in  
21 subsection 3, the department of education, in  
22 consultation with the departments of management and  
23 revenue and finance, shall compute by June 1 preceding  
24 each budget year the income surtax capacity, property  
25 tax infrastructure capacity, and sales tax capacity  
26 for each school district in the state even if the  
27 school district is not located in whole or in part in  
28 a county that has imposed the local sales and services  
29 tax for school infrastructure purposes under this  
30 chapter.  
31 (1) "Actual enrollment for a school district"

32 means the actual enrollment as reported by October 1  
33 to the department of management by the department of  
34 education pursuant to section 257.6, subsection 1.

35 (2) "Income surtax capacity" means the estimated  
36 amount of revenues that a school district would  
37 receive if an income surtax of twenty percent was  
38 imposed on the individual income tax liability for the  
39 preceding calendar year of individuals residing in the  
40 school district divided by the school district's  
41 actual enrollment.

42 (2) "Property tax infrastructure capacity" means  
43 the sum of a school district's levies under sections  
44 298.2 and 298.18 when the levies are imposed to the  
45 maximum extent allowable under law in the budget year  
46 on property located within the school district divided  
47 by the school district's actual enrollment.

48 (3) "Sales tax capacity" means the estimated  
49 amount of revenues that a school district receives or  
50 would receive if a local sales and services tax for

Page 2

1 school infrastructure is imposed at one percent  
2 pursuant to this chapter, divided by the school  
3 district's actual enrollment.

4 (4) "Tax capacity inequity" means the difference  
5 between the highest total tax capacity in the state  
6 and a school district's total tax capacity.

7 (5) "Total tax capacity" means the sum of a school  
8 district's income surtax capacity plus property tax  
9 infrastructure capacity plus sales tax capacity.

10 3. The appropriations credited in a fiscal year to  
11 the appropriations account of the secure an advanced  
12 vision for education fund shall be distributed as a  
13 supplemental school infrastructure amount as follows:

14 a. The department of education shall compute the  
15 total tax capacity and the tax capacity inequity of  
16 each school district located in the state.

17 b. The department of revenue and finance, in  
18 conjunction with the department of education, shall  
19 distribute a supplemental school infrastructure amount  
20 to each school district that has a tax capacity  
21 inequity. The amount of the supplemental school  
22 infrastructure amount distributed shall be an equal  
23 percentage of the tax capacity inequity to each of  
24 such school districts multiplied by the actual  
25 enrollment for each such school district. However, a  
26 school district shall not receive more than its tax  
27 capacity inequity amount multiplied by its actual  
28 enrollment."

29 4. Page 11, line 16, by striking the words and  
30 figure "2. paragraph "b"" and inserting the following:  
31 "3".

Speaker Rants in the chair at 3:00 p.m.

A non-record roll call was requested.

The ayes were 43, nays 51.

Amendment [H-1377](#) lost.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-1438](#), previously deferred, filed by her from the floor.

Huser of Polk called up for consideration the motion to reconsider the vote by which amendment [H-1374](#) to [Senate File 445](#) filed by her from the floor, was adopted by the House.

A non-record roll call was requested.

The ayes were 31, nays 51.

The motion to reconsider lost.

#### 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.

Shultz of Black Hawk offered the following amendment [H-1445](#) filed by him from the floor and moved its adoption:

H-1445

1 Amend [Senate File 445](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 12, by striking lines 25 and 26 and  
4 inserting the following:  
5 "Sec. \_\_. CONTINGENT EFFECTIVE DATE. This Act is  
6 contingent upon and takes effect upon the date of the  
7 enactment of an Act creating the Iowa values fund and

8 making an appropriation from that fund of \$250,000,000  
 9 to the secure an advanced vision for education fund."

Amendment [H-1445](#) lost.

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. 445](#))

The ayes were, 67:

Alons	Arnold	Baudler	Bell
Boggess	Bukta	Carroll	Chambers
Cohoon	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Hahn	Hansen
Hanson	Heaton	Hoffman	Horbach
Huseman	Jacobs	Jenkins	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lukan	Maddox	Manternach
Mertz	Miller	Olson, D.	Olson, S.
Osterhaus	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Smith	Struyk	Swaim
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.R.	Watts	Whitaker
Wilderdye	Wise	Mr. Speaker	
		Rants	

The nays were, 32:

Berry	Boal	Connors	Dandekar
Elgin	Fallon	Foege	Ford
Greimann	Heddens	Hogg	Hunter
Huser	Hutter	Jochum	Lensing
Lykam	Mascher	McCarthy	Murphy
Myers	Oldson	Paulsen	Petersen
Shoultz	Stevens	Taylor, D.	Taylor, T.
Van Fossen, J.K.	Wendt	Whitead	Winckler

Absent or not voting and 1:

Boddicker

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 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 650](#), a bill for an act relating to the assessment of a correctional fee by a county or municipality, and to the prosecution of certain criminal offenses committed in a municipality located in two or more counties.

Also: That the Senate has on April 23, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate is asked:

[Senate File 354](#), a bill for an act implementing the federal Indian Child Welfare Act.

Also: That the Senate has on April 23, 2003, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 402](#), a bill for an act relating to the admissibility of prior criminal offenses into evidence in the prosecution of certain sexual offenses.

Also: That the Senate has on April 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[Senate File 443](#), a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 399](#) WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw [House File 399](#) from further consideration by the House.

Speaker pro tempore Carroll in the chair at 4:30 p.m.

Unfinished Business Calendar

[House File 598](#), a bill for an act relating to criminal sentencing by permitting a conditional discharge, reclassifying certain felonies, and reopening a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement, and providing penalties, was taken up for consideration.



Maddox of Polk asked and received unanimous consent to withdraw amendment [H-1215](#) filed by him on April 1, 2003, placing the following amendments out of order:

Amendment [H-1263](#) filed by Jenkins of Black Hawk on April 3, 2003.

Amendment [H-1265](#) filed by Heaton of Henry, et al., on April 3, 2003.

Amendment [H-1266](#) filed by Swaim of Davis on April 3, 2003.

Amendment [H-1267](#) filed by Swaim of Davis on April 3, 2003.

Amendment [H-1268](#) filed by Baudler of Adair on April 3, 2003.

Amendment [H-1269](#) filed by Swaim of Davis on April 3, 2003.

Amendment [H-1270](#) filed by Swaim of Davis on April 3, 2003.

Maddox of Polk offered the following amendment [H-1358](#) filed by him and moved its adoption:

H-1358

1 Amend [House File 598](#) as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 124.401, subsection 1,  
5 paragraph a, unnumbered paragraph 1, Code 2003, is  
6 amended to read as follows:

7 Violation of this subsection, with respect to the  
8 following controlled substances, counterfeit  
9 substances, or simulated controlled substances is a  
10 class "B" felony, and notwithstanding section 902.9,  
11 subsection 2, shall be punished by confinement for no  
12 more than ~~fifty~~ thirty-five years and a fine of not  
13 more than one million dollars:

14 Sec. 2. Section 124.401, subsection 1, paragraph  
15 a, subparagraph (2), unnumbered paragraph 1, Code  
16 2003, is amended to read as follows:

17 More than five ~~kilograms~~ hundred grams of a mixture  
18 or substance containing a detectable amount of any of  
19 the following:

20 Sec. 3. Section 124.401, subsection 1, paragraph  
21 a, subparagraph (2), subparagraph subdivisions (d) and  
22 (e), Code 2003, are amended by striking the  
23 subparagraph subdivisions.

24 Sec. 4. Section 124.401, subsection 1, paragraph  
25 a, Code 2003, is amended by adding the following new  
26 subparagraph:

27 NEW SUBPARAGRAPH. (7) More than five kilograms of  
28 a mixture or substance containing a detectable amount  
29 of any of the following:

30 (a) Methamphetamine, its salts, isomers, or salts  
 31 of isomers.  
 32 (b) Amphetamine, its salts, isomers, and salts of  
 33 isomers.  
 34 (c) Any compound, mixture, or preparation which  
 35 contains any quantity of any of the substances  
 36 referred to in subparagraph subdivisions (a) and (b).  
 37 Sec. 5. Section 124.401, subsection 1, paragraph  
 38 b, subparagraph (2), unnumbered paragraph 1, Code  
 39 2003, is amended to read as follows:  
 40 More than ~~five one~~ hundred grams but not more than  
 41 five ~~kilograms~~ hundred grams of any of the following:  
 42 Sec. 6. Section 124.401, subsection 1, paragraph  
 43 b, subparagraph (3), Code 2003, is amended to read as  
 44 follows:  
 45 (3) More than ~~five ten~~ grams but not more than  
 46 fifty grams of a mixture or substance described in  
 47 subparagraph (2) which contains cocaine base.  
 48 Sec. 7. Section 124.401, subsection 1, paragraph  
 49 c, subparagraph (2), unnumbered paragraph 1, Code  
 50 2003, is amended to read as follows:

Page 2

1 ~~Five One~~ hundred grams or less of any of the  
 2 following:  
 3 Sec. 8. Section 124.401, subsection 1, paragraph  
 4 c, subparagraph (3), Code 2003, is amended to read as  
 5 follows:  
 6 (3) ~~Five Ten~~ grams or less of a mixture or  
 7 substance described in subparagraph (2) which contains  
 8 cocaine base.  
 9 Sec. 9. Section 124.413, unnumbered paragraph 1,  
 10 Code 2003, is amended to read as follows:  
 11 A person sentenced pursuant to section 124.401,  
 12 subsection 1, paragraph "a", "b", "~~c~~", "e", or "f",  
 13 shall not be eligible for parole until the person has  
 14 served a minimum period of confinement of one-third of  
 15 the maximum indeterminate sentence prescribed by law.  
 16 Sec. 10. Section 229A.8A, subsection 4, Code 2003,  
 17 is amended to read as follows:  
 18 4. For purposes of registering as a sex offender  
 19 under chapter 692A, a person placed in the  
 20 transitional release program shall be ~~classified a~~  
 21 ~~"high-risk" sex offender and required to register and~~  
 22 public notification shall be as provided in section  
 23 ~~692A.13A, subsection 2~~ 692A.13. A committed person  
 24 who refuses to register as a sex offender is not  
 25 eligible for placement in a transitional release  
 26 program.  
 27 Sec. 11. Section 692A.2A, subsections 2 and 3,  
 28 Code 2003, are amended to read as follows:

29 2. A person shall not reside within ~~two one~~  
30 thousand three hundred twenty feet of the real  
31 property comprising a public or nonpublic elementary  
32 or secondary school or a child care facility.

33 3. A person who resides within ~~two one~~ thousand  
34 three hundred twenty feet of the real property  
35 comprising a public or nonpublic elementary or  
36 secondary school, or a child care facility, commits an  
37 aggravated misdemeanor.

38 Sec. 12. Section 692A.2A, subsection 4, unnumbered  
39 paragraph 1, Code 2003, is amended to read as follows:

40 A person residing within ~~two one~~ thousand three  
41 hundred twenty feet of the real property comprising a  
42 public or nonpublic elementary or secondary school or  
43 a child care facility does not commit a violation of  
44 this section if any of the following apply:

45 Sec. 13. Section 692A.5, subsection 1, paragraph  
46 h, Code 2003, is amended to read as follows:

47 h. Inform the person, if the person's residency is  
48 restricted under section 692A.2A, that the person  
49 shall not reside within ~~two one~~ thousand three hundred  
50 twenty feet of the real property comprising a public

Page 3

1 or nonpublic elementary or secondary school, or a  
2 child care facility.

3 Sec. 14. Section 692A.13, Code 2003, is amended by  
4 striking the section and inserting in lieu thereof the  
5 following:

6 692A.13 AVAILABILITY OF RECORDS.

7 1. The department may provide relevant information  
8 from the sex offender registry to the following:

9 a. A criminal or juvenile justice agency, an  
10 agency of the state, any sex offender registry of  
11 another state, or the federal government.

12 b. The general public through the sex offender  
13 registry's web page.

14 c. The single contact repository established  
15 pursuant to section 135C.33, in accordance with the  
16 rules adopted by the department.

17 2. A criminal or juvenile justice agency may  
18 provide relevant information from the sex offender  
19 registry to the following:

20 a. A criminal or juvenile justice agency, an  
21 agency of the state, or any sex offender registry of  
22 another state, or the federal government.

23 b. The general public, including public and  
24 private agencies, organizations, public places, public  
25 and private schools, child care facilities, religious  
26 and youth organizations, neighbors, neighborhood  
27 associations, community meetings, and employers.

28 Registry information may be distributed to the public  
29 through printed materials, visual or audio press  
30 releases, or through a criminal or juvenile justice  
31 agency's web page.  
32 3. Any member of the public may contact a county  
33 sheriff's office or police department to request  
34 relevant information from the registry regarding a  
35 specific person required to register under this  
36 chapter. The request for information shall be in  
37 writing, and shall include the name of the person and  
38 at least one of the following identifiers pertaining  
39 to the person about whom the information is sought:  
40 a. The date of birth of the person.  
41 b. The social security number of the person.  
42 c. The address of the person.  
43 The request for information is a confidential  
44 record under chapter 22 and is not subject to  
45 dissemination.  
46 4. A county sheriff shall also provide to any  
47 person upon request access to a list of all  
48 registrants in that county. However, records of a  
49 person protected under 18 U.S.C. 3521 shall not be  
50 disclosed.

Page 4

1 5. Relevant information provided to the general  
2 public may include the offender's name, address, a  
3 photograph, locations frequented by the offender,  
4 relevant criminal history information from the  
5 registry, and any other relevant information.  
6 Relevant information provided to the public shall not  
7 include the identity of any victim.  
8 6. Notwithstanding sections 232.147 through  
9 232.151, records concerning convictions which are  
10 committed by a minor may be released in the same  
11 manner as records of convictions of adults.  
12 Sec. 15. Section 901.4, Code 2003, is amended to  
13 read as follows:  
14 901.4 PRESENTENCE INVESTIGATION REPORT  
15 CONFIDENTIAL – DISTRIBUTION.  
16 The presentence investigation report is  
17 confidential and the court shall provide safeguards to  
18 ensure its confidentiality, including but not limited  
19 to sealing the report, which may be opened only by  
20 further court order. At least three days prior to the  
21 date set for sentencing, the court shall serve all of  
22 the presentence investigation report upon the  
23 defendant's attorney and the attorney for the state,  
24 and the report shall remain confidential except upon  
25 court order. However, the court may conceal the  
26 identity of the person who provided confidential

27 information. The report of a medical examination or  
28 psychological or psychiatric evaluation shall be made  
29 available to the attorney for the state and to the  
30 defendant upon request. The reports are part of the  
31 record but shall be sealed and opened only on order of  
32 the court. If the defendant is committed to the  
33 custody of the Iowa department of corrections and is  
34 not a class "A" felon, a copy of the presentence  
35 investigation report shall be forwarded to the  
36 director with the order of commitment by the clerk of  
37 the district court and to the board of parole at the  
38 time of commitment. The presentence investigation  
39 report may also be released by the department of  
40 corrections or a judicial district department of  
41 correctional services pursuant to section 904.602 to  
42 another jurisdiction for the purpose of providing  
43 interstate probation and parole compact services or  
44 evaluations. The defendant or the defendant's  
45 attorney may file with the presentence investigation  
46 report, a denial or refutation of the allegations, or  
47 both, contained in the report. The denial or  
48 refutation shall be included in the report. If the  
49 person is sentenced for an offense which requires  
50 registration under chapter 692A, the court shall

Page 5

1 release the report to the department ~~which is~~  
2 ~~responsible under section 692A.13A for performing the~~  
3 ~~assessment of risk of public safety.~~  
4 Sec. 16. Section 901.5, subsection 13, Code 2003,  
5 is amended by striking the subsection.  
6 Sec. 17. NEW SECTION. 901.5B REOPENING OF  
7 SENTENCE FOR PERSONS SERVING SENTENCE SUBJECT TO  
8 MAXIMUM ACCUMULATION OF EARNED TIME OF FIFTEEN  
9 PERCENT.  
10 1. A defendant serving a sentence under section  
11 902.12 prior to the effective date of this Act, who is  
12 sentenced by the court to the custody of the director  
13 of the department of corrections, may have the  
14 judgment and sentence reopened for resentencing if all  
15 of the following apply:  
16 a. The county attorney from the county which  
17 prosecuted the defendant files a motion in the  
18 sentencing court to reopen the sentence of the  
19 defendant. The county attorney shall notify the  
20 victim pursuant to section 915.13 of the filing of the  
21 motion. The motion shall specify that the county  
22 attorney has informed the victim about the filing of  
23 the motion, and that the victim has thirty days from  
24 the date of the filing of the motion to file a written  
25 objection with the court.

26 b. No written objection is filed or if a written  
 27 objection is filed, and upon hearing the court grants  
 28 the motion.  
 29 2. Upon the court granting the motion to reopen  
 30 the sentence, the court shall order that the defendant  
 31 be eligible for consideration of parole or work  
 32 release in the same manner as a defendant serving a  
 33 sentence under section 902.12.  
 34 3. For purposes of calculating earned time under  
 35 section 903A.2, the sentencing date for a defendant  
 36 whose sentence has been reopened under this section  
 37 shall be the date of the original sentencing order.  
 38 4. The filing of a motion or reopening of a  
 39 sentence under this section shall not constitute  
 40 grounds to stay any other court proceedings, or to  
 41 toll or restart the time for filing of any posttrial  
 42 motion or any appeal.  
 43 Sec. 18. Section 902.11, unnumbered paragraph 1,  
 44 Code 2003, is amended to read as follows:  
 45 A person serving a sentence for conviction of a  
 46 felony, ~~other than a forcible felony under section~~  
 47 ~~902.12~~, who has a criminal record of one or more prior  
 48 convictions for a forcible felony or a crime of a  
 49 similar gravity in this or any other state, shall be  
 50 denied parole or work release unless the person has

Page 6

1 served at least one-half of the maximum term of the  
 2 defendant's sentence. However, the mandatory sentence  
 3 provided for by this section does not apply if either  
 4 of the following apply:  
 5 Sec. 19. Section 902.12, unnumbered paragraph 1,  
 6 Code 2003, is amended to read as follows:  
 7 ~~Except as otherwise provided in section 903A.2, a~~ A  
 8 person serving a sentence for conviction of the  
 9 following ~~forcible felonies shall serve one hundred~~  
 10 ~~percent of the maximum term of the person's sentence~~  
 11 ~~and shall not be released on be denied~~ parole or work  
 12 release ~~unless the person has served at least seven-~~  
 13 ~~tenths of the maximum term of the person's sentence:~~  
 14 Sec. 20. Section 902.12, subsection 5, unnumbered  
 15 paragraph 2, Code 2003, is amended to read as follows:  
 16 ~~Except as otherwise provided in section 903A.2, a~~  
 17 ~~person serving a sentence for conviction under~~  
 18 6. Vehicular homicide in violation of section  
 19 707.6A, subsection 1 or 2, shall serve one hundred  
 20 ~~percent of the maximum term of the person's sentence~~  
 21 ~~and shall not be released on parole or work release if~~  
 22 the person was also convicted under section 321.261,  
 23 subsection 3, based on the same facts or event that  
 24 resulted in the conviction under section 707.6A,

25 subsection 1 or 2.

26 Sec. 21. Section 903.4, Code 2003, is amended to  
27 read as follows:

28 903.4 PROVIDING PLACE OF CONFINEMENT.

29 All persons sentenced to confinement for a period  
30 of one year or less shall be confined in a place to be  
31 furnished by the county where the conviction was had  
32 unless the person is presently committed to the  
33 custody of the director of the Iowa department of  
34 corrections, in which case the provisions of section  
35 901.8 apply, ~~or unless the person is serving a~~  
36 ~~determinate term of confinement of one year pursuant~~  
37 ~~to section 902.3A.~~ All persons sentenced to

38 confinement for a period of more than one year shall  
39 be committed to the custody of the director of the  
40 Iowa department of corrections to be confined in a  
41 place to be designated by the director and the cost of  
42 the confinement shall be borne by the state. The  
43 director may contract with local governmental units  
44 for the use of detention or correctional facilities  
45 maintained by the units for the confinement of such  
46 persons.

47 Sec. 22. Section 905.6, Code 2003, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 9. Notify the board of parole,  
50 thirty days prior to release, of the release from a

Page 7

1 residential facility operated by the district  
2 department of a person serving a sentence under  
3 section 902.12.

4 Sec. 23. NEW SECTION. 905.11 RESIDENTIAL  
5 FACILITY RESIDENCY - MINIMUM.

6 A person who is serving a sentence under section  
7 902.12, the maximum term of which exceeds ten years,  
8 and who is released on parole or work release shall  
9 reside in a residential facility operated by the  
10 district department for a period of not less than one  
11 year.

12 Sec. 24. Section 906.4, Code 2003, is amended by  
13 adding the following new unnumbered paragraph after  
14 unnumbered paragraph 1:

15 NEW UNNUMBERED PARAGRAPH. A person on parole or  
16 work release who is serving a sentence under section  
17 902.12 shall begin parole or work release in a  
18 residential facility operated by a judicial district  
19 department of correctional services.

20 Sec. 25. Section 907.3, subsection 1, paragraph m,  
21 Code 2003, is amended by striking the paragraph.

22 Sec. 26. Section 907.3, subsection 2, paragraph g,  
23 Code 2003, is amended by striking the paragraph.

24 Sec. 27. Section 907.3, subsection 3, paragraph g,  
25 Code 2003, is amended by striking the paragraph.  
26 Sec. 28. Section 915.13, subsection 1, Code 2003,  
27 is amended by adding the following new paragraph:  
28 NEW PARAGRAPH. h. The filing of a motion to  
29 reopen a sentence of a defendant pursuant to section  
30 901.5B. Notwithstanding section 915.10, the notice  
31 shall be served by certified mail. Notice shall  
32 include the scheduled date, time, and place of any  
33 hearing to reopen a sentence and that the victim has  
34 thirty days from the date of the service of the motion  
35 to file a written objection with the court.  
36 Sec. 29. Sections 692A.13A and 902.3A, Code 2003,  
37 are repealed.  
38 Sec. 30. APPLICABILITY OF AVAILABLE RECORDS IN THE  
39 SEX OFFENDER REGISTRY. Section 692A.13, as amended by  
40 this Act, shall apply retroactively to all offenders  
41 on the registry.  
42 Sec. 31. EFFECTIVE DATE. The section of this Act  
43 amending section 692A.13, being deemed of immediate  
44 importance, takes effect upon enactment."  
45 2. Title page, by striking lines 1 through 5 and  
46 inserting the following: "An Act relating to the  
47 criminal sentencing and procedure by modifying the  
48 penalties for certain offenses related to controlled  
49 substances, modifying dissemination of sex offender  
50 registry information and residence restrictions for a

Page 8

1 sex offender, repealing certain determinate sentences,  
2 changing the parole and work release eligibility of a  
3 person serving a sentence that requires a maximum  
4 accumulation of earned time credits of fifteen percent  
5 of the total term of confinement and by permitting the  
6 reopening of such a sentence, providing a penalty, and  
7 providing an effective date."

Amendment [H-1358](#) was adopted.

[SENATE FILE 422](#) SUBSTITUTED FOR [HOUSE FILE 598](#)

Maddox of Polk asked and received unanimous consent to substitute [Senate File 422](#) for [House File 598](#).

[Senate File 422](#), a bill for an act relating to the criminal sentencing and procedure by modifying the penalties for certain offenses related to controlled substances, modifying dissemination of sex offender registry information and residence restrictions for a sex



offender, repealing certain determinate sentences, changing the parole and work release eligibility of a person serving a sentence that requires a maximum accumulation of earned time credits of fifteen percent of the total term of confinement and by permitting the reopening of such a sentence, providing a penalty, and providing an effective date, was taken up for consideration.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar on request of Gipp of Winneshiek.

Maddox of Polk offered amendment [H-1357](#) filed by him as follows:

H-1357

- 1 Amend [Senate File 422](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 9.
- 4 2. By striking page 2, line 13, through page 6,
- 5 line 3.
- 6 3. By striking page 6, line 6, through page 7,
- 7 line 31.
- 8 4. Page 8, by striking lines 15 through 34.
- 9 5. Page 9, by striking lines 6 through 14.
- 10 6. Page 9, by striking line 15, and inserting the
- 11 following:
- 12 "Sec. \_\_\_. Section 902.3A, Code 2003, is".
- 13 7. Page 9, by striking lines 17 through 22.
- 14 8. Title page, by striking lines 3 through 10 and
- 15 inserting the following: "controlled substances and
- 16 repealing certain determinate sentences."
- 17 9. By renumbering as necessary.

Baudler of Adair offered amendment [H-1381](#), to amendment [H-1357](#), as follows:

H-1381

- 1 Amend the amendment, H-1357, to [Senate File 422](#), as
- 2 amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 2 the
- 5 following:
- 6 "\_\_\_". Page 1, by inserting before line 1 the
- 7 following:

8 "Sec. \_\_\_. Section 124.212, subsection 5,  
 9 unnumbered paragraph 1, Code 2003, is amended to read  
 10 as follows:  
 11 Unless specifically excepted in paragraph "b" or  
 12 "e", or listed in another schedule, any material,  
 13 compound, mixture, or preparation which contains any  
 14 quantity of the following substance, including its  
 15 salts, optical isomers, and salts of such optical  
 16 isomers:  
 17 Sec. \_\_\_. Section 124.212, subsection 5, Code  
 18 2003, is amended by adding the following new paragraph  
 19 after paragraph a:  
 20 NEW PARAGRAPH. aa. Any dietary supplement if the  
 21 dietary supplement is a naturally occurring ephedrine  
 22 alkaloid or associated salts, isomers, salts of  
 23 isomers, or a combination of these substances that are  
 24 contained in a matrix of organic material.  
 25 Sec. \_\_\_. Section 124.212, subsection 5, paragraph  
 26 c, Code 2003, is amended by striking the paragraph."  
 27 2. Page 1, line 15, by striking the word "and"  
 28 and inserting the following: ", modifying schedule V  
 29 controlled substances, and".

Fallon of Polk rose on a point of order that amendment [H-1381](#) was not germane, to amendment [H-1357](#).

The Speaker ruled the point well taken and amendment [H-1381](#) not germane to amendment [H-1357](#).

Fallon of Polk offered the following amendment [H-1405](#), to amendment [H-1357](#), filed by him and moved its adoption:

H-1405

1 Amend the amendment, H-1357, to [Senate File 422](#), as  
 2 amended, passed, and reprinted by the Senate as  
 3 follows:  
 4 1. Page 1, by inserting after line 3 the  
 5 following:  
 6 " \_\_\_. Page 1, line 13, by striking the words  
 7 "five kilograms hundred grams" and inserting the  
 8 following: "five kilograms one kilogram".  
 9 \_\_\_. Page 1, by inserting after line 18 the  
 10 following:  
 11 "Sec. \_\_\_. Section 124.401, subsection 1,  
 12 paragraph a, subparagraph (3), Code 2003, is amended  
 13 to read as follows:  
 14 (3) More than ~~five~~ one hundred grams of a mixture  
 15 or substance described in subparagraph (2) which  
 16 contains cocaine base."

17 \_\_\_\_ Page 1, lines 33 and 34, by striking the  
18 words "five kilograms hundred grams" and inserting the  
19 following: "~~five kilograms~~ one kilogram".  
20 \_\_\_\_ Page 2, line 2, by striking the word "fifty"  
21 and inserting the following: "~~fifty~~ one hundred".  
22 2. By renumbering as necessary.

Amendment [H-1405](#) lost.

Heaton of Henry offered amendment [H-1437](#), to amendment [H-1357](#), filed by Heaton, Horbach of Tama and Shoultz of Black Hawk, from the floor as follows:

H-1437

1 Amend the amendment, H-1357, to [Senate File 422](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 3 the  
5 following:  
6 "\_\_\_\_ Page 2, by inserting after line 12, the  
7 following:  
8 "Sec. \_\_\_\_ NEW SECTION. 321J.2C PERSONS FOUND  
9 NOT GUILTY.  
10 1. Notwithstanding any other provision of this  
11 chapter to the contrary, if any prosecution for a  
12 violation of section 321J.2 or 321J.2A does not result  
13 in a conviction, and the defendant's driver's license  
14 or nonresident operating privilege has been revoked  
15 under section 321J.12 for the occurrence from which  
16 the arrest arose, the department shall, upon receipt  
17 of the court order finding the defendant not guilty,  
18 immediately rescind the revocation order and reinstate  
19 the defendant's license.  
20 2. Notwithstanding section 321.12 or any other  
21 provision of chapter 321 or 321J to the contrary, the  
22 director shall immediately destroy any operating  
23 records pertaining to a revocation under section  
24 321J.12 for the occurrence from which an arrest arose  
25 when the defendant was subsequently prosecuted and  
26 found not guilty upon receipt of the court order  
27 finding the defendant not guilty."  
28 2. Page 1, by inserting after line 13 the  
29 following:  
30 "\_\_\_\_ Title page, line 1, by inserting before the  
31 word "procedure" the following: "administrative"."  
32 3. Page 1, line 15 by inserting after the word  
33 "substances" the following: ", by reinstating a  
34 driver's license upon a finding of not guilty in an  
35 operating-while-intoxicated offense,".

Baudler of Adair rose on a point of order that amendment [H-1437](#) was not germane, to amendment [H-1357](#).

The Speaker ruled the point well taken and amendment [H-1437](#) not germane, to amendment [H-1357](#).

Heaton of Henry moved to suspend the rules to consider amendment [H-1437](#).

A non-record roll call was requested.

The ayes were 52, nays 38.

The motion to suspend the rules prevailed.

Heaton of Henry moved the adoption of amendment [H-1437](#) to amendment [H-1357](#).

A non-record roll call was requested.

The ayes were 53, nays 38.

Amendment [H-1437](#) was adopted.

Swaim of Davis asked and received unanimous consent to withdraw amendment [H-1434](#) to amendment [H-1357](#) filed by him from the floor.

Maddox of Polk offered the following amendment [H-1409](#), to amendment [H-1357](#), filed by him from the floor and moved its adoption:

H-1409

- 1 Amend the amendment, H-1357, to [Senate File 422](#), as
- 2 amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 1, by inserting after line 5, the
- 5 following:
- 6 "\_\_\_ Page 6, line 10, by striking the words
- 7 "prior to the effective date of this Act,".
- 8 \_\_\_ Page 6, line 24, by striking the word "Upon"
- 9 and inserting the following: "Notwithstanding section

10 902.12, upon".  
11 \_\_\_\_\_. Page 6, lines 26 and 27, by striking the  
12 words "in the same manner as a defendant serving a  
13 sentence under section 902.12".  
14 \_\_\_\_\_. Page 6, line 31, by inserting after the word  
15 "order" the following: ", and the reopening of the  
16 sentence does not change the manner in which earned  
17 time is calculated pursuant to section 903A.2".  
18 2. Page 1, by striking lines 6 and 7, and  
19 inserting the following:  
20 "\_\_\_\_\_. Page 7, by striking lines 1 through 31."  
21 3. Page 1, by striking line 9.  
22 4. Page 1, line 15, by inserting after the word  
23 "substances" the following: "by permitting the  
24 reopening of certain sentences,".

Amendment [H-1409](#) was adopted.

Maddox of Polk offered the following amendment [H-1441](#), to amendment [H-1357](#), filed by him from the floor and moved its adoption:

H-1441

1 Amend the amendment, H-1357, to [Senate File 422](#), as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 9 the  
5 following:  
6 "\_\_\_\_\_. Page 9, by inserting before line 15, the  
7 following:  
8 "Sec.\_\_\_\_. Section 915.14, Code 2003, is amended  
9 to read as follows:  
10 915.14 NOTIFICATION BY CLERK OF THE DISTRICT  
11 COURT.  
12 The clerk of the district court shall notify a  
13 registered victim of all dispositional orders of the  
14 case in which the victim was involved and may advise  
15 the victim of any other orders regarding custody or  
16 confinement. If a motion to reopen the sentence has  
17 been filed pursuant to section 901.5B, the clerk of  
18 the district court shall notify a registered victim of  
19 the case in which the victim was involved. The notice  
20 shall include the scheduled date, time, and place of  
21 the hearing, and the clerk shall notify the victim of  
22 a cancellation or postponement of any hearing  
23 regarding the motion to reopen."  
24 2. By renumbering as necessary.

Amendment [H-1441](#) was adopted.

On motion by Maddox of Polk, amendment [H-1357](#), as amended, was adopted.

Speaker Rants in the chair at 6:32 p.m.

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

On the question "Shall the bill pass?" ([S.F. 422](#))

The ayes were, 72:

Arnold	Berry	Boal	Boggess
Bukta	Carroll	Cohoon	Connors
De Boef	Dennis	Dix	Drake
Elgin	Foege	Ford	Freeman
Frevert	Gipp	Granzow	Greimann
Greiner	Hahn	Hansen	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	Miller	Murphy
Myers	Oldson	Olson, S.	Osterhaus
Petersen	Quirk	Raecker	Rasmussen
Roberts	Sands	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Upmeyer	Watts	Wendt	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, 26:

Alons	Baudler	Bell	Chambers
Dandekar	Davitt	Dolecheck	Eichhorn
Fallon	Gaskill	Huser	Hutter
McCarthy	Mertz	Olson, D.	Paulsen
Rayhons	Reasoner	Schickel	Stevens
Struyk	Tjepkes	Tymeson	Van Fossen, J.K.
Van Fossen, J.R.	Whitaker		

Absent or not voting, 2:

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

#### SENATE MESSAGE CONSIDERED

[Senate File 443](#), by committee on ways and means, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date.

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 422](#) be immediately messaged to the Senate.

#### Appropriations Calendar

[House File 672](#), a bill for an act relating to the regulation of adult day services, providing for appropriations and penalties, and providing an effective date, was taken up for consideration.

Upmeyer of Hancock offered the following amendment [H-1408](#) filed by her from the floor and moved its adoption:

H-1408

- 1 Amend [House File 672](#) as follows:
- 2 1. Page 1, by inserting after line 9, the
- 3 following:
- 4 "\_\_\_." "Department" means the department of elder
- 5 affairs created in chapter 231."
- 6 2. Page 1, by striking lines 19 through 21.
- 7 3. Page 1, by striking lines 23 through 28, and
- 8 inserting the following: "recognized accrediting
- 9 entity that the department recognizes as having
- 10 specific adult day services program standards
- 11 equivalent to the standards established by the
- 12 department for adult day services."
- 13 4. Page 2, by striking line 7, and inserting the
- 14 following: "appeals".
- 15 5. Page 2, by striking lines 9 and 10, and
- 16 inserting the following:
- 17 "3. The department shall establish, by".
- 18 6. Page 2, by striking lines 13 through 15, and
- 19 inserting the following: "related to adult day

20 services programs. The department, in establishing  
21 standards for adult".  
22 7. Page 2, line 20, by inserting after the word  
23 "with" the following: "the department of inspections  
24 and appeals and".  
25 8. Page 2, by striking lines 24 through 26, and  
26 inserting the following: "adult day services  
27 programs, the department in consultation with the  
28 department of inspections and appeals and affected  
29 industry, professional, and".  
30 9. Page 2, by striking lines 31 and 32, and  
31 inserting the following:  
32 "5. The department may establish by".  
33 10. Page 3, by striking lines 14 through 16, and  
34 inserting the following: "comply with the rules  
35 adopted by the department for an adult day services  
36 program."  
37 11. Page 4, line 1, by striking the words  
38 "political subdivision" and inserting the following:  
39 "governmental unit".  
40 12. Page 4, by striking lines 7 and 8, and  
41 inserting the following:  
42 "5. The department shall adopt rules".  
43 13. Page 4, line 13, by inserting after the word  
44 "with" the following: "the department of inspections  
45 and appeals and".  
46 14. By striking page 4, line 24 through page 5,  
47 line 7 and inserting the following:  
48 "2. a. The department of inspections and appeals  
49 shall collect adult day services certification fees.  
50 The fees shall be deposited in the general fund of the

Page 2

1 state.  
2 b. The following certification and related fees  
3 shall apply to adult day services programs:  
4 (1) For a two-year initial certification, seven  
5 hundred fifty dollars.  
6 (2) For a two-year recertification, one thousand  
7 dollars.  
8 (3) For a blueprint review, nine hundred dollars.  
9 (4) For an optional preliminary plan review, five  
10 hundred dollars."  
11 15. Page 8, line 8, by striking the words "of  
12 elder affairs".  
13 16. Page 10, line 26, by inserting after the word  
14 "the" the following: "department of elder affairs and  
15 the".  
16 17. Page 11, by striking lines 11 through 23, and  
17 inserting the following: "fire marshal shall be  
18 deposited in the general fund of the state."



19 18. Title page, line 2, by striking the words  
 20 "appropriations and".  
 21 19. By renumbering as necessary.

Amendment [H-1408](#) 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. 672](#))

The ayes were, 97:

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

The nays were, none.

Absent or not voting, 3:

Boddicker                  Hansen                  Van Engelenhoven

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

HOUSE FILE 596 WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw [House File 596](#) from further consideration by the House.

Ways and Means Calendar

[House File 668](#), a bill for an act creating a university-based research utilization program, providing tax credits, and making appropriations, was taken up for consideration.

Jenkins of Black Hawk offered the amendment [H-1400](#) filed by him as follows:

H-1400

- 1 Amend [House File 668](#) as follows:
- 2 1. Page 1, line 33, by inserting after the word
- 3 "department." the following: "The plan shall include
- 4 information concerning the applicant's Iowa employment
- 5 goals and projected impact on the Iowa economy. The
- 6 department shall only approve plans showing sufficient
- 7 potential impact on Iowa employment and economic
- 8 development."
- 9 2. Page 1, by inserting after line 35 the
- 10 following:
- 11 "d. The applicant provides annual reports to the
- 12 department that include employment statistics for the
- 13 applicant and the total taxable wages paid to Iowa
- 14 employees and reported to the department of revenue
- 15 and finance pursuant to section 422.16."
- 16 3. By striking page 2, line 34, through page 3,
- 17 line 14, and inserting the following:
- 18 "a. Review the information provided by the
- 19 department of revenue and finance pursuant to this
- 20 subsection and the annual report submitted by the
- 21 applicant pursuant to subsection 2, paragraph "d". If
- 22 the department determines that the business activities
- 23 of the applicant are not providing the benefits to
- 24 Iowa employment and economic development projected in
- 25 the applicant's approved five-year business plan, the
- 26 department shall not issue tax credit certificates for
- 27 that year to the applicant or university employee and
- 28 shall determine any related university share to be
- 29 equal to zero for that year.
- 30 b. Effective for the fiscal year beginning July 1,
- 31 2004, and for subsequent fiscal years, issue a tax
- 32 credit certificate to the approved business and the
- 33 university employee responsible for the development of
- 34 the technology utilized by the approved business in an

35 amount determined pursuant to subsection 5."  
36 4. Page 3, line 15, by striking the letter "b."  
37 and inserting the following: "c."  
38 5. Page 3, line 19, by inserting after the word  
39 "developed." the following: "A university share shall  
40 not exceed two hundred twenty-five thousand dollars  
41 per year per technology utilized. For each technology  
42 utilized, the aggregate university share over a five-  
43 year period shall not exceed six hundred thousand  
44 dollars."  
45 6. Page 3, line 32, by inserting after the word  
46 "business." the following: "The value of a  
47 certificate issued to an approved business shall not  
48 exceed two hundred twenty-five thousand dollars. The  
49 total aggregate value of certificates issued over a  
50 five-year period to an approved business shall not

**Page 2**

1 exceed six hundred thousand dollars."  
2 7. Page 4, line 6, by inserting after the word  
3 "technology." the following: "Each year, the total  
4 value of a certificate or certificates issued for a  
5 utilized technology shall not exceed seventy-five  
6 thousand dollars. For each technology utilized, the  
7 total aggregate value of certificates issued over a  
8 five-year period to the university employee  
9 responsible for the development of the technology  
10 shall not exceed two hundred thousand dollars."

Jenkins of Black Hawk offered the following amendment [H-1410](#),  
to amendment [H-1400](#), filed by him from the floor and moved its  
adoption:

H-1410

1 Amend the amendment, H-1400, to [House File 668](#) as  
2 follows:  
3 1. Page 1, line 35, by inserting after the figure  
4 "5." the following: "A tax credit certificate shall  
5 contain the taxpayer's name, address, tax  
6 identification number, the amount of the tax credit,  
7 and other information required by the department of  
8 revenue and finance."

Amendment [H-1410](#) was adopted.

Hogg of Linn offered the following amendment [H-1436](#), to  
amendment [H-1400](#), filed by him from the floor and moved its  
adoption:

H-1436

1 Amend the amendment, H-1400, to [House File 668](#) as  
 2 follows:  
 3 1. Page 1, by inserting after line 44 the  
 4 following:  
 5 "\_\_\_". Page 3, by inserting after line 25 the  
 6 following:  
 7 "c. For the fiscal year beginning July 1, 2004,  
 8 not more than two million dollars worth of  
 9 certificates shall be issued pursuant to paragraph  
 10 "b". For the fiscal year beginning July 1, 2005, and  
 11 every fiscal year thereafter, not more than ten  
 12 million dollars worth of certificates shall be issued  
 13 pursuant to paragraph "b"."

Amendment [H-1436](#) was adopted.

On motion by Jenkins of Black Hawk amendment [H-1400](#), as amended, was adopted placing out of order amendment [H-1435](#) filed by Hogg of Linn 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?" ([H.F. 668](#))

The ayes were, 94:

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

Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Mr. Speaker		
	Rants		

The nays were, 1:

Fallon

Absent or not voting, 5:

Boddicker	Foege	Hansen	Stevens
Van Engelenhoven			

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 23, 2003, passed the following bill in which the concurrence of the Senate was asked:

[House File 225](#), a bill for an act modifying workers' compensation laws and providing an effective date.

Also: That the Senate has on April 23, 2003, passed the following bill in which the concurrence of the House is asked:

[Senate File 451](#), a bill for an act providing for the jurisdiction and funding of roads by transferring funding for and jurisdiction of certain primary and farm-to-market roads, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations.

MICHAEL E. MARSHALL, Secretary

### Ways and Means Calendar

[House File 687](#), a bill for an act providing a sales and use tax exemption for soy-based railroad rail lubricants, 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. 687](#))

The ayes were, 89:

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

The nays were, 7:

Connors	Fallon	Gaskill	Hunter
Murphy	Taylor, D.	Taylor, T.	

Absent or not voting, 4:

Boddicker	Foegen	Hansen	Van Engelenhoven
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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 645](#) WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw [House File 645](#) from further consideration by the House.

## HOUSE FILES 262, 571 and 663 WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw House Files 262, 571 and 663 from further consideration by the House.

## SENATE AMENDMENT CONSIDERED

Heaton of Henry called up for consideration [House File 560](#), a bill for an act relating to medical assistance home and community-based services waivers, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1368](#):

H-1368

1 Amend [House File 560](#), as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking lines 3 through 10, and  
4 inserting the following:  
5 "NEW SUBSECTION. 6. a. Effective July 1, 2003,  
6 the provisions of the home and community-based  
7 services waiver for persons with mental retardation  
8 shall include adult day care, prevocational, and  
9 transportation services. Transportation shall be  
10 included as a separately payable service.  
11 b. The department of human services shall seek  
12 federal approval to amend the home and community-based  
13 services waiver for persons with mental retardation to  
14 include day habilitation services. Inclusion of day  
15 habilitation services in the waiver shall take effect  
16 upon receipt of federal approval and no later than  
17 July 1, 2004.  
18 c. The person's county of legal settlement shall  
19 pay for the nonfederal share of the cost of services  
20 provided under the waiver and the state shall pay for  
21 the nonfederal share of such costs if the person does  
22 not have a county of legal settlement."  
23 2. Page 1, by inserting after line 23, the  
24 following:  
25 "Sec. \_\_. REIMBURSEMENT - REVIEW - RATE  
26 LIMITATIONS.  
27 1. The department of human services shall review  
28 the reimbursement methodology for the home and  
29 community-based services waiver for persons with  
30 mental retardation under the medical assistance  
31 program in relationship to the goals and objectives of  
32 the mental health and developmental disability  
33 services system redesign being conducted by the mental  
34 health and developmental disabilities commission. The

35 department shall submit a report of the findings of  
36 the review and recommendations to the general assembly  
37 by July 1, 2004.

38 2. For the fiscal year beginning July 1, 2003, the  
39 department of human services in cooperation with the  
40 Iowa state association of counties and the Iowa  
41 association of community providers shall establish  
42 payment rate limitations for the services provided  
43 under the home and community-based services waiver for  
44 persons with mental retardation that are consistent  
45 with the limitations used for the same or similar  
46 services that are funded one hundred percent by the  
47 counties.

48 Sec. \_\_. EMERGENCY RULES. The department of  
49 human services shall adopt administrative rules under  
50 section 17A.4, subsection 2, and section 17A.5,

Page 2

1 subsection 2, paragraph "b", to implement the  
2 provisions of this Act and the rules shall become  
3 effective immediately upon filing or on a later  
4 effective date specified in the rules, unless the  
5 effective date is delayed by the administrative rules  
6 review committee. Any rules adopted in accordance  
7 with this section shall not take effect before the  
8 rules are reviewed by the administrative rules review  
9 committee. The delay authority provided to the  
10 administrative rules review committee under section  
11 17A.4, subsection 5, and section 17A.8, subsection 9,  
12 shall be applicable to a delay imposed under this  
13 section, notwithstanding a provision in those sections  
14 making them inapplicable to section 17A.5, subsection  
15 2, paragraph "b". Any rules adopted in accordance  
16 with the provisions of this section shall also be  
17 published as notice of intended action as provided in  
18 section 17A.4."

19 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1368](#).

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

On the question "Shall the bill pass?" ([H.F. 560](#))



The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Boddicker	Drake	Foege	Hansen
Van Engelenhoven			

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

Granzow of Hardin called up for consideration [House File 457](#), a bill for an act expanding requirements for the transition of an individual from the child welfare services system to adulthood, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1383](#):

H-1383

- 1 Amend [House File 457](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 7 through 14 and
- 4 inserting the following: "~~living~~ adulthood. The

5 written plan of services and needs assessment shall be  
 6 developed with any person who may reasonably be  
 7 expected to be a service provider for the child when  
 8 the child becomes an adult or to become responsible  
 9 for the costs of services at that time, including but  
 10 not limited to the administrator of county general  
 11 relief under chapter 251 or 252 or of the single entry  
 12 point process implemented under section 331.440. If  
 13 the child is interested in pursuing".

14 2. Page 1, by inserting after line 34 the  
 15 following:

16 "Sec. \_\_. Section 232.2, subsection 22, Code  
 17 2003, is amended by adding the following new  
 18 paragraph:  
 19 NEW PARAGRAPH. d. If authorized by the court, a  
 20 guardian ad litem may continue a relationship with and  
 21 provide advice to a child for a period of time beyond  
 22 the child's eighteenth birthday."

23 3. By renumbering, relettering, or redesignating  
 24 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1383](#).

Granzow of Hardin 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. 457](#))

The ayes were, 95:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Ford	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jenkins	Jochum
Jones	Klemme	Kramer	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Myers	Oldson	Olson, D.	Olson, S.

Osterhaus	Paulsen	Petersen	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Roberts	Sands	Schickel	Shoultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 5:

Boddicker	Foege	Hansen	Van Engelenhoven
Watts			

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 457, 560, 668, 672 and 687.**

#### SENATE MESSAGE CONSIDERED

[Senate File 451](#), by committee on appropriations, a bill for an act providing for the jurisdiction and funding of roads by transferring funding for and jurisdiction of certain primary and farm-to-market roads, modifying the procedure for classification of area service "C" roads, and establishing a street construction fund distribution advisory committee, and making appropriations.

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

#### 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 environmental protection at 9:00 a.m., April 24, 2003.

MOTION TO RECONSIDER  
([Senate File 445](#))

I move to reconsider the vote by which [Senate File 445](#) passed the House on April 23, 2003.

GIPP of Winneshiek

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 23, 2003. Had I been present, I would have voted "aye" on [House File 675](#).

HEATON of Henry

BILL ENROLLED, SIGNED AND SENT TO  
SECRETARY OF STATE

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State for his approval on this 23<sup>rd</sup> day of April, 2003: [House Joint Resolution 5](#).

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:

Twenty-nine students representing ten countries speaking seven languages from West High Davenport, Davenport, Iowa, accompanied by seven adults. By Winckler and Lykam of Scott.

Twenty-four fifth grade students from Lakeview Elementary, Centerville, Iowa, accompanied by Debra Eddy, Myra McGill, Shawna Stickler, Shawna Verice, and Tammy Carol. By Swaim of Davis.

**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**

- 2003\1283 John and Betty Taylor, Iowa Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1284 Kenneth and Betty Chaplin, Iowa Falls – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1285 Ben and Agnes Hall, Alden – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1286 Bernard and Elsie Graanstra, Ocheyedan – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1287 Southern Cal Jazz Band, Southern Cal High School – For winning first place in the Class 1-A Iowa State Jazz Competition.
- 2003\1288 Landon Streit, Manson – For being crowned State Physics Olympic Champion.
- 2003\1289 Mark Sullivan, Manson – For being crowned State Physics Olympic Champion.
- 2003\1290 Alison Truax, Vinton – For winning the U.S. National Science Award.
- 2003\1291 Hulda McIlrath, Shellsburg – For celebrating her 90<sup>th</sup> birthday.
- 2003\1292 Verna Andresen, Keystone – For celebrating her 90<sup>th</sup> birthday.
- 2003\1293 Bengamin Vierkant, Mason City – For celebrating his 90<sup>th</sup> birthday.
- 2003\1294 Gerry Trebil, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1295 Ruth Molstad, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2003\1296 Mayor Ann Hutchinson and the Bettendorf City Council, Bettendorf – For celebrating its centennial on June 5<sup>th</sup>, 2003.
- 2003\1297 Nathan Berkhoudt, Muscatine – For being named a United States National Award winner in mathematics.
- 2003\1298 June Hagie, Ames – For celebrating her 90<sup>th</sup> birthday.

- 2003\1299 Verlene and Don Mangels, Ames – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1300 Dorothy and Gerald Hall, Madrid – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\1301 Myrtle Alsin, Madrid – For celebrating her 103<sup>rd</sup> birthday.
- 2003\1302 Clarence Blanchard, Hampton – For celebrating his 90<sup>th</sup> birthday.
- 2003\1303 Lila Brodbeck, Dumont – For celebrating her 80<sup>th</sup> birthday.
- 2003\1304 Joyce and Elwyn Brouwer, Sheffield – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\1305 Pete Lewerke, Garner – For celebrating his 90<sup>th</sup> birthday.
- 2003\1306 Mary Ann and Luverne Schmidt, Klemme – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2003\1307 Mr. and Mrs. Keith Kline – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1308 Raymond Jones, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2003\1309 Joseph L. Shepherd, Davenport – For celebrating his 80<sup>th</sup> birthday.
- 2003\1310 Mr. and Mrs. Robert Haase, Davenport – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1311 Harriett and Elmer Muller, Holland – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1312 John and Dot Middlekoop, Batavia – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1313 Lowell and Darlene Rothbart, Grand Mound – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1314 Clarence Kinney, Grand Mound – For celebrating his 80<sup>th</sup> birthday.
- 2003\1315 Helen Goddard, Dewitt – For celebrating her 90<sup>th</sup> birthday.
- 2003\1316 Ronald and Darlene Woodall, Nashua – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1317 Margaret Etringer, Waterloo – For celebrating her 80<sup>th</sup> birthday.
- 2003\1318 Gerald Swyter, Kanawha – For celebrating his 90<sup>th</sup> birthday.
- 2003\1319 Matthew Popowski, Garner – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 2003\1320 Parmer Schlake, Garnavillo – For celebrating his 90<sup>th</sup> birthday.
- 2003\1321 Elizabeth Schaer, Elgin – For celebrating her 90<sup>th</sup> birthday.
- 2003\1322 Dick and Barb Stock, Greeley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1323 Dick and Marge Smith, Fayette – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1324 Mildred and Paul Trmipe, Williamsburg – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2003\1325 Melvin Dahlstrom, Thornburg – For celebrating his 90<sup>th</sup> birthday.
- 2003\1226 Edna Teggatz, Williamsburg – For celebrating her 95<sup>th</sup> birthday.
- 2003\1327 Elaine and Quentin Schumacher, Dubuque – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\1328 Kevin Hansen, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1329 Anthony Arensdorf, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1330 Steven Nesteby, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2003\1331 Eric Small, Dubuque – For attaining the rank of Eagle Scout, the highest award in the Boy Scouts of America.

#### 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 ECONOMIC GROWTH

[House File 683](#), a bill for an act relating to economic development by creating an Iowa values board and Iowa values fund, modifying the value-added agricultural products and processes financial assistance program, providing endow Iowa seed grants and endow Iowa tax credits, providing funding and tax credits for economic development regions, creating workforce training and economic development funds for community colleges, establishing a school financing program for school infrastructure purposes, creating a cultural and entertainment district certification program,

increasing the availability of rehabilitation project tax credits, eliminating a small business advisory council, making appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 21, 2003.

#### AMENDMENTS FILED

<a href="#"><u>H-1411</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1412</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1413</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1414</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1415</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1416</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1417</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1418</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1419</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1420</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1421</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1422</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1423</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1424</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1425</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1426</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1427</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1428</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1429</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1430</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1431</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1432</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1433</u></a>	<a href="#"><u>H.F. 683</u></a>	Fallon of Polk
<a href="#"><u>H-1440</u></a>	<a href="#"><u>H.F. 690</u></a>	Shoultz of Black Hawk
<a href="#"><u>H-1443</u></a>	<a href="#"><u>H.F. 691</u></a>	Heddens of Story
		Wise of Lee
		Cohon of Des Moines
		Wendt of Woodbury
		Whitead of Woodbury
<a href="#"><u>H-1444</u></a>	<a href="#"><u>H.F. 691</u></a>	Wise of Lee
		Cohon of Des Moines
		Winkler of Scott
		Bell of Jasper
		Bukta of Clinton
		Lykam of Scott



<u>H-1446</u>	<u>H.F.</u>	<u>691</u>	Alons of Sioux
			S. Olson of Clinton
			Raecker of Polk
			Van Engelenhoven of Marion
			Hahn of Muscatine
<u>H-1447</u>	<u>H.F.</u>	<u>685</u>	Heaton of Henry
<u>H-1448</u>	<u>H.F.</u>	<u>691</u>	Heaton of Henry

On motion by Gipp of Winneshiek the House adjourned at 7:28 p.m., until 8:45 a.m., Thursday, April 24, 2003.