

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 15, 2004

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JOURNAL OF THE HOUSE

Ninety- Fifth Calendar Day - Sixty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 15, 2004

The House met pursuant to adjournment at 8:53 a.m., Roberts of Carroll in the chair.

Prayer was offered by Reverend Ron Burcham, pastor of Gloria Dei Lutheran Church, Urbandale. "The Lords Prayer" was sung by Godz Guys, a men's quartet from Gloria Dei Lutheran Church. They were the guests of Representative Scott Raecker from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Rod Roberts, state representative from Carroll County.

The Journal of Wednesday, April 14, 2004 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair on request of Gipp of Winneshiek; Petersen of Polk, until her arrival, on request of Dandekar of Linn.

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 105](#)

Jacobs of Polk called up for consideration [House Concurrent Resolution 105](#), a concurrent resolution concerning the Midwestern Legislature Conference of the Council of State Governments, and moved its adoption.

The motion prevailed and the resolution was adopted.

SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration [House File 2200](#), a bill for an act relating to fire safety issues, including the promulgation of

administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8396](#):

[H-8396](#)

1 Amend [House File 2200](#), as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 100.1, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 7. To administer the fire
8 extinguishing system contractor certification program
9 established in chapter 100C.
10 Sec. ____ NEW SECTION. 100C.1 DEFINITIONS.
11 As used in this chapter, unless the context
12 otherwise requires:
13 1. "Automatic dry-chemical extinguishing system"
14 means a system supplying a powder composed of small
15 particles, usually of sodium bicarbonate, potassium
16 bicarbonate, urea-potassium-based bicarbonate,
17 potassium chloride, or monoammonium phosphate, with
18 added particulate material supplemented by special
19 treatment to provide resistance to packing, resistance
20 to moisture absorption, and the proper flow
21 capabilities.
22 2. "Automatic fire extinguishing system" means a
23 system of devices and equipment that automatically
24 detects a fire and discharges an approved fire
25 extinguishing agent onto or in the area of a fire and
26 includes automatic sprinkler systems, carbon dioxide
27 extinguishing systems, deluge systems, automatic dry-
28 chemical extinguishing systems, foam extinguishing
29 systems, halogenated extinguishing systems, or other
30 equivalent fire extinguishing technologies recognized
31 by the fire extinguishing system contractors advisory
32 board.
33 3. "Automatic sprinkler system" means an
34 integrated fire protection sprinkler system usually
35 activated by heat from a fire designed in accordance
36 with fire protection engineering standards and
37 includes a suitable water supply. The portion of the
38 system above the ground is a network of specially
39 sized or hydraulically designed piping installed in a
40 structure or area, generally overhead, and to which
41 automatic sprinklers are connected in a systematic
42 pattern.
43 4. "Carbon dioxide extinguishing system" means a
44 system supplying carbon dioxide from a pressurized

45 vessel through fixed pipes and nozzles and includes a
46 manual or automatic actuating mechanism.
47 5. "Deluge system" means a sprinkler system
48 employing open sprinklers attached to a piping system
49 connected to a water supply through a valve that is
50 opened by the operation of a detection system

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1 installed in the same area as the sprinklers.
2 6. "Fire extinguishing system contractor" means a
3 person engaging in or representing oneself to the
4 public as engaging in the activity or business of
5 layout, installation, repair, alteration, addition,
6 maintenance, or maintenance inspection of automatic
7 fire extinguishing systems in this state.
8 7. "Foam extinguishing system" means a special
9 system discharging foam made from concentrates, either
10 mechanically or chemically, over the area to be
11 protected.
12 8. "Halogenated extinguishing system" means a fire
13 extinguishing system using one or more atoms of an
14 element from the halogen chemical series of fluorine,
15 chlorine, bromine, and iodine.
16 9. "Maintenance inspection" means periodic
17 inspection and certification completed by a fire
18 extinguishing system contractor. For purposes of this
19 chapter, "maintenance inspection" does not include an
20 inspection completed by a local building official,
21 fire inspector, or insurance inspector, when acting in
22 an official capacity.
23 10. "Responsible managing employee" means an
24 owner, partner, officer, or manager employed full-time
25 by a fire extinguishing system contractor who has any
26 of the following qualifications:
27 a. Is certified by the national institute for
28 certification in engineering technologies at a level
29 III in fire protection technology, automatic sprinkler
30 system layout, or another recognized certification in
31 automatic sprinkler system layout recognized by rules
32 adopted by the fire marshal pursuant to section
33 100C.7.
34 b. Meets any other criteria established by rule
35 under this chapter.
36 Sec.____. NEW SECTION. 100C.2 CERTIFICATION –
37 EMPLOYEES.
38 1. A person shall not act as a fire extinguishing
39 system contractor without first obtaining a fire
40 extinguishing system contractor's certificate pursuant
41 to this chapter.
42 2. A responsible managing employee may act as a
43 responsible managing employee for only one fire

44 extinguishing system contractor at a time. The
45 responsible managing employee shall not be designated
46 as the responsible managing employee for more than two
47 fire extinguishing system contractors in any twelve-
48 month period.
49 3. An employee of a certified fire extinguishing
50 system contractor working under the direction of a

Page 3

1 responsible managing employee is not required to
2 obtain and maintain an individual fire extinguishing
3 system contractor's certificate.
4 Sec. ____ NEW SECTION. 100C.3 APPLICATION –
5 INFORMATION TO BE PROVIDED.
6 1. A fire extinguishing system contractor shall
7 apply for a certificate on a form prescribed by the
8 state fire marshal. The application shall be
9 accompanied by a fee in an amount prescribed by rule
10 pursuant to section 100C.7 and shall include all of
11 the following information:
12 a. The name, address, and telephone number of the
13 contractor, including all legal and fictitious names.
14 b. Proof of insurance coverage required by section
15 100C.4.
16 c. The name and qualifications of the person
17 designated as the contractor's responsible managing
18 employee and of persons designated as alternate
19 responsible managing employees.
20 d. Any other information deemed necessary by the
21 state fire marshal.
22 2. Upon receipt of a completed application and
23 prescribed fees, if the contractor meets all
24 requirements established by this chapter, the state
25 fire marshal shall issue a certificate to the fire
26 extinguishing system contractor within thirty days.
27 3. Certificates shall expire and be renewed as
28 established by rule pursuant to section 100C.7.
29 4. Any change in the information provided in the
30 application shall be promptly reported to the state
31 fire marshal. When the employment of a responsible
32 managing employee is terminated, the fire
33 extinguishing system contractor shall notify the state
34 fire marshal within thirty days after termination.
35 Sec. ____ NEW SECTION. 100C.4 INSURANCE.
36 A fire extinguishing system contractor shall
37 maintain general and complete operations liability
38 insurance for the layout, installation, repair,
39 alteration, addition, maintenance, and inspection of
40 automatic fire extinguishing systems in an amount
41 determined by the state fire marshal by rule.
42 Sec. ____ NEW SECTION. 100C.5 SUSPENSION AND

43 REVOCATION.

44 1. The state fire marshal shall suspend or revoke
45 the certificate of any fire extinguishing system
46 contractor who fails to maintain compliance with the
47 conditions necessary to obtain a certificate. A
48 certificate may also be suspended or revoked if any of
49 the following occur:
50 a. The employment or relationship of a responsible

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1 managing employee with a fire extinguishing system
2 contractor is terminated, unless the fire
3 extinguishing system contractor has included a
4 qualified alternate on the application or an
5 application designating a new responsible managing
6 employee is filed with the state fire marshal within
7 six months after the termination.

8 b. The contractor fails to comply with any
9 provision of this chapter.

10 c. The contractor fails to comply with any other
11 applicable codes and ordinances.

12 2. If a certificate is suspended pursuant to this
13 section, the certificate shall not be reinstated until
14 the condition or conditions which led to the
15 suspension have been corrected.

16 3. The state fire marshal shall adopt rules
17 pursuant to section 100C.7 for the acceptance and
18 processing of complaints against certificate holders,
19 for procedures to suspend and revoke certificates, and
20 for appeals of decisions to suspend or revoke
21 certificates.

22 Sec. ____ NEW SECTION. 100C.6 APPLICABILITY.

23 This chapter shall not be construed to do any of
24 the following:

25 1. Relieve any person from payment of any local
26 permit or building fee.

27 2. Limit the power of the state or a political
28 subdivision of the state to regulate the quality and
29 character of work performed by fire extinguishing
30 system contractors through a system of fees, permits,
31 and inspections designed to ensure compliance with,
32 and aid in the administration of, state and local
33 building codes or to enforce other local laws for the
34 protection of the public health and safety.

35 Sec. ____ NEW SECTION. 100C.7 ADMINISTRATION –
36 RULES.

37 The state fire marshal shall administer this
38 chapter and, after consultation with the fire
39 extinguishing system contractors advisory board, shall
40 adopt rules pursuant to chapter 17A necessary for the
41 administration and enforcement of this chapter.

42 Sec. ____ NEW SECTION. 100C.8 PENALTIES.
43 1. A person who violates any provision of this
44 chapter is guilty of a simple misdemeanor.
45 2. The state fire marshal may impose a civil
46 penalty of up to five hundred dollars on any person
47 who violates any provision of this chapter for each
48 day a violation continues. The state fire marshal may
49 adopt rules necessary to enforce and collect any
50 penalties imposed pursuant to this chapter.

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1 Sec. ____ NEW SECTION. 100C.9 DEPOSIT AND USE OF
2 MONEYS COLLECTED.
3 1. All fees assessed pursuant to this chapter
4 shall be retained as repayment receipts by the
5 division of fire protection in the department of
6 public safety and such fees received shall be used
7 exclusively to offset the costs of administering this
8 chapter.
9 2. Notwithstanding section 8.33, fees collected by
10 the division of fire protection that remain
11 unencumbered or unobligated at the close of the fiscal
12 year shall not revert but shall remain available for
13 expenditure for the purposes designated until the
14 close of the succeeding fiscal year.
15 Sec. ____ NEW SECTION. 100C.10 FIRE
16 EXTINGUISHING SYSTEM CONTRACTORS ADVISORY BOARD.
17 1. A fire extinguishing system contractors
18 advisory board is established in the division of fire
19 protection of the department of public safety and
20 shall advise the state fire marshal on matters
21 pertaining to the application and certification of
22 fire extinguishing system contractors pursuant to this
23 chapter.
24 2. The board shall consist of seven voting members
25 appointed by the commissioner of public safety as
26 follows:
27 a. Two full-time fire officials of incorporated
28 municipalities or counties.
29 b. One full-time building official of an
30 incorporated municipality or county.
31 c. Two fire extinguishing system contractors,
32 certified pursuant to this chapter, of which at least
33 one shall be a water-based fire sprinkler contractor.
34 d. One professional engineer or architect licensed
35 in the state.
36 e. One representative of the general public.
37 3. The state fire marshal, or the state fire
38 marshal's designee, shall be a nonvoting ex officio
39 member of the board.
40 4. The commissioner shall initially appoint two

41 members for two-year terms, two members for four-year
 42 terms, and three members for six-year terms.
 43 Following the expiration of the terms of initially
 44 appointed members, each term thereafter shall be for a
 45 period of six years. No member shall serve more than
 46 two consecutive terms.
 47 5. Four voting members of the advisory board shall
 48 constitute a quorum. A majority vote of the board
 49 shall be required to conduct business."
 50 2. Page 3, by inserting after line 1 the

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1 following:
 2 "Sec. ___. APPLICABILITY DATE. The sections of
 3 this Act enacting sections 100C.1 through 100C.6,
 4 100C.8, and 100C.9 shall not be applicable until July
 5 1, 2005."
 6 3. Title page, line 1, by inserting after the
 7 word "including" the following: "the establishment of
 8 a fire extinguishing system contractor certification
 9 program in the office of the state fire marshal,".
 10 4. Title page, line 2, by striking the word
 11 "marshal" and inserting the following: "marshal,".
 12 5. Title page, by striking line 4 and inserting
 13 the following: "providing for fees and penalties and
 14 for the Act's applicability. "
 15 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8396](#).

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

On the question "Shall the bill pass?" ([H.F. 2200](#))

The ayes were, 96:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Bogges	Bukta
Carroll	Chambers	Cohon	Connors
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Fallon	Foege	Freeman
Frevert	Gaskill	Gipp	Granzow
Greimann	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser

Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Manternach
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, S.
Osterhaus	Paulsen	Petersen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Sands	Schickel	Shomshor	Shultz
Smith	Stevens	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Winckler	Wise	Roberts, Presiding

The nays were, none.

Absent or not voting, 4:

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

SENATE AMENDMENT CONSIDERED

Tjepkes of Webster called up for consideration [House File 2418](#), a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8562](#):

[H-8562](#)

- 1 Amend [House File 2418](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 12 through 14 and
- 4 inserting the following: "at an institution for a
- 5 fiscal year shall be made ~~no later than the~~ at a
- 6 regular meeting ~~held in November of the preceding~~
- 7 ~~fiscal year~~ and shall be reflected in a final docket".
- 8 2. Page 1, by striking line 17 and inserting the
- 9 following: "control. The regular meeting ~~held in~~
- 10 ~~November~~ shall be".
- 11 3. Page 1, line 19, by striking the word "the"
- 12 and inserting the following: "the a".

The motion prevailed and the House concurred in the Senate amendment [H-8562](#).

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

On the question "Shall the bill pass?" ([H.F. 2418](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Baudler	Ford	Quirk	Wilderdyke
Wise			

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2200, 2418** and **House Concurrent Resolution 105**.

ADOPTION OF THE REPORT OF THE
CONFERENCE COMMITTEE
([House File 2434](#))

Tjepkes of Webster called up for consideration the report of the conference committee on [House File 2434](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE
ON [HOUSE FILE 2434](#)

To the Speaker of the House of Representatives and the President of the Senate:

We, the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on [House File 2434](#), a bill for an Act to update and modify the enhanced 911 emergency telephone communications system, respectfully make the following report:

1. That the Senate recedes from its amendment, [H-8431](#).
2. That [House File 2434](#), as passed by the House, is amended as follows:

1. Page 15, by inserting after line 14 the following: "b. The program manager shall allocate an amount up to two hundred thirty thousand dollars per calendar quarter to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carriers' eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph."

2. Page 15, line 15, by striking the word "b." and inserting the following: "c."

3. Page 15, by striking lines 19 through 27 and inserting the following: "wireless E911 phase 1 services."

4. Page 15, line 28, by striking the word "c." and inserting the following: "d."

5. Page 16, line 18, by striking the word "d." and inserting the following: "e."

6. Page 16, by striking lines 22 and 23 and inserting the following: "f. (1) The program manager shall allocate all remaining moneys in the fund per calendar quarter".

7. Page 16, by striking lines 27 through 31 and inserting the following: "by May 15 of each year. The amount allocated under this paragraph shall be allocated as follows:"

8. Page 17, line 3, by striking the word "service" and inserting the following: "safety".

9. Page 17, line 9, by inserting after the word "dollars" the following: "for each public safety answering point within the service area of the department of public safety or joint E911 service board".

10. Page 17, line 10, by striking the figure "(3)" inserting the following: "(2)".

11. Page 17, line 10, by striking the word "e" and inserting the following: "f".

12. Page 17, by striking lines 22 through 29.

13. Page 17, by striking lines 33 through 35 and inserting the following: "surplus. This surplus shall be allocated to wireless carriers to recover their costs to deliver E911 phase 1".

14. Page 21, by inserting after line 7 the following: "Sec. ____ APPLICABILITY DATE. Section 34A.7A, subsection 2, paragraph "b", as enacted by this Act, shall not be applicable until the outstanding wireless E911 phase 1 obligation incurred pursuant to chapter 34A prior to July 1, 2004, as referred to in section 34A.7A, subsection 2, paragraph "e", is retired. The fiscal services division of the legislative services agency shall notify the Code editor when the outstanding obligation has been retired."

15. Title page, line 2, by inserting after the word "system" the following: "and providing an applicability date".

16. By renumbering as necessary.

ON THE PART OF THE HOUSE:

DAVE Tjepkes, Chair
CLEL BAUDLER
LISA HEDDENS
RALPH KLEMME
BRIAN QUIRK

ON THE PART OF THE SENATE:

JOHN PUTNEY, Chair
DARYL BEALL
GENE FRAISE
DOUG SHULL
RON WIECK

The motion prevailed and the conference committee report was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2434](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Baudler	Ford	Quirk	Van Fossen, J.K.
Wildurdyke			

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

CONSIDERATION OF BILLS
Regular Calendar

[House File 2571](#), a bill for an act relating to agriculture by providing for reporting requirements, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2571](#))

The ayes were, 92:

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

The nays were, 5:

Frevert	Kuhn	Shomshor	Swaim
Whitaker			

Absent or not voting, 3:

Baudler	Van Fossen, J.K.	Wilderdyke
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 2555](#), a bill for an act providing for specified changes regarding

programs under the purview of the department of public health, providing a penalty, and making an appropriation, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8561](#):

[H-8561](#)

- 1 Amend [House File 2555](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 2, line 9, through page 3,
- 4 line 2.
- 5 2. By renumbering as necessary.

Jacobs of Polk asked and received unanimous consent that [House File 2555](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-8561](#) pending)

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that **House Files 2434** and **2571** be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration [House File 2302](#), a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, amended by the Senate amendment [H-8568](#) as follows:

[H-8568](#)

- 1 Amend [House File 2302](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. NEW SECTION. 15E.311 COUNTY
- 6 ENDOWMENT FUND.
- 7 1. The purpose of this section is to enhance the
- 8 quality of life for citizens of Iowa by providing
- 9 moneys to new or existing citizen groups of this state

10 organized to establish county affiliate funds or
11 community foundations that will address countywide
12 needs.

13 2. A county endowment fund is created in the state
14 treasury under the control of the department of
15 revenue. The fund consists of all moneys appropriated
16 to the fund. Moneys in the fund shall be distributed
17 by the department as provided in this section.

18 3. a. At the end of each fiscal year, moneys in
19 the fund shall be transferred into separate accounts
20 within the fund and designated for use by each county
21 in which no licensee authorized to conduct gambling
22 games under chapter 99F was located during that fiscal
23 year. Moneys transferred to county accounts shall be
24 divided equally among the counties. Moneys
25 transferred into an account for a county shall be
26 transferred by the department to an eligible county
27 recipient for that county. Of the moneys transferred,
28 an eligible county recipient shall distribute seventy-
29 five percent of the moneys as grants to charitable
30 organizations for educational, civic, public,
31 charitable, patriotic, or religious uses, as defined
32 in section 99B.7, subsection 3, paragraph "b", in that
33 county and shall retain twenty-five percent of the
34 moneys for use in establishing a permanent endowment
35 fund for the benefit of charitable organizations for
36 educational, civic, public, charitable, patriotic, or
37 religious uses, as defined in section 99B.7,
38 subsection 3, paragraph "b".

39 b. If a county does not have an eligible county
40 recipient, moneys in the account for that county shall
41 remain in that account until an eligible county
42 recipient for that county is established.

43 c. For purposes of this subsection, an "eligible
44 county recipient" means a qualified community
45 foundation or community affiliate organization, as
46 defined in section 15E.303, that is selected, in
47 accordance with the procedures described in section
48 15E.304, to receive moneys from an account created in
49 this section for a particular county. To be selected
50 as an eligible county recipient, a community affiliate

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1 organization shall establish a county affiliate fund
2 to receive moneys as provided by this section.

3 4. Notwithstanding section 12C.7, subsection 2,
4 interest or earnings on moneys deposited in the county
5 endowment fund shall be credited to the county
6 endowment fund. Notwithstanding section 8.33, moneys
7 credited to the county endowment fund shall not revert
8 at the close of a fiscal year.

9 Sec. 2. Section 99D.2, subsection 8, Code 2003, is
10 amended to read as follows:

11 8. "Racetrack enclosure" means all real property
12 utilized for the conduct of a race meeting, including
13 the racetrack, grandstand, clubhouse, turf club or
14 other areas of a licensed racetrack which a person may
15 enter only upon payment of an admission fee, or upon
16 payment by another, at any time, based upon the
17 person's admittance, or upon presentation of
18 authorized credentials. "Racetrack enclosure" also
19 means concession stands, offices, barns, kennels and
20 barn areas, employee housing facilities, parking lots,
21 and any additional areas designated by the commission.

22 Sec. 3. Section 99D.2, Code 2003, is amended by
23 adding the following new subsection:

24 NEW SUBSECTION. 9. "Wagering area" means that
25 portion of a racetrack in which a licensee may receive
26 wagers of money from a person present in a licensed
27 racing enclosure on a horse or dog in a race selected
28 by the person making the wager as designated by the
29 commission.

30 Sec. 4. Section 99D.5, subsection 4, Code 2003, is
31 amended to read as follows:

32 4. Commission members are each entitled to receive
33 an annual salary of six thousand dollars. Members
34 shall also be reimbursed for actual expenses incurred
35 in the performance of their duties to a maximum of
36 thirty thousand dollars per year for the commission.
37 Each member shall ~~post a bond in the amount of ten~~
38 ~~thousand dollars, with sureties to be approved by the~~
39 ~~governor, to guarantee the proper handling and~~
40 ~~accounting of moneys and other properties required in~~
41 ~~the administration of this chapter. The premiums on~~
42 ~~the bonds shall be paid as other expenses of the~~
43 ~~commission be covered by the blanket surety bond of~~
44 the state purchased pursuant to section 8A.321,
45 subsection 12.

46 Sec. 5. Section 99D.6, Code 2003, is amended to
47 read as follows:

48 99D.6 CHAIRPERSON – ADMINISTRATOR – EMPLOYEES –
49 DUTIES – BOND.

50 The commission shall elect in July of each year one

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1 of its members as chairperson for the succeeding year.
2 The commission shall appoint an administrator of the
3 commission subject to confirmation by the senate. The
4 administrator shall serve a four-year term. The term
5 shall begin and end in the same manner as set forth in
6 section 69.19. A vacancy shall be filled for the
7 unexpired portion of the term in the same manner as a

8 full-term appointment is made. The administrator may
9 hire other assistants and employees as necessary to
10 carry out the commission's duties. Employees in the
11 positions of equine veterinarian, canine veterinarian,
12 and equine steward shall be exempt from the merit
13 system provisions of chapter 8A, subchapter IV, and
14 shall not be covered by a collective bargaining
15 agreement. Some or all of the information required of
16 applicants in section 99D.8A, subsections 1 and 2, may
17 also be required of employees of the commission if the
18 commission deems it necessary. The administrator
19 shall keep a record of the proceedings of the
20 commission, and preserve the books, records, and
21 documents entrusted to the administrator's care. The
22 ~~commission shall require the administrator to post a~~
23 ~~bond in a sum it may fix, conditioned upon the~~
24 ~~faithful performance of the administrator's duties~~
25 shall be covered by the blanket surety bond of the
26 state purchased pursuant to section 8A.321, subsection
27 12. Subject to the approval of the governor, the
28 commission shall fix the compensation of the
29 administrator within the salary range as set by the
30 general assembly. The commission shall have its
31 headquarters in the city of Des Moines, and shall meet
32 in July of each year and at other times and places as
33 it finds necessary for the discharge of its duties.
34 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
35 amended to read as follows:
36 8. To investigate alleged violations of this
37 chapter or the commission rules, orders, or final
38 decisions and to take appropriate disciplinary action
39 against a licensee or a holder of an occupational
40 license for the violation, or institute appropriate
41 legal action for enforcement, or both. Information
42 gathered during an investigation is confidential
43 during the pendency of the investigation. Decisions
44 by the commission are final agency actions pursuant to
45 chapter 17A.
46 Sec. 7. Section 99D.7, subsection 19, Code 2003,
47 is amended to read as follows:
48 19. To require licensees to indicate in their
49 racing programs those horses which are treated with
50 the legal medication ~~lasix~~ furosemide or

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1 phenylbutazone. The program shall also indicate if it
2 is the first or subsequent time that a horse is racing
3 with ~~lasix~~ furosemide, or if the horse has previously
4 raced with ~~lasix~~ furosemide and the present race is
5 the first race for the horse without ~~lasix~~ furosemide
6 following its use.

7 Sec. 8. Section 99D.7, Code 2003, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 23. To require licensees to
10 establish a process to allow a person to be
11 voluntarily excluded for life from a racetrack
12 enclosure and all other licensed facilities under this
13 chapter and chapter 99F. The process established
14 shall require that a licensee disseminate information
15 regarding persons voluntarily excluded to all
16 licensees under this chapter and chapter 99F. The
17 state and any licensee under this chapter or chapter
18 99F shall not be liable to any person for any claim
19 which may arise from this process. In addition to any
20 other penalty provided by law, any money or thing of
21 value that has been obtained by, or is owed to, a
22 voluntarily excluded person by a licensee as a result
23 of wagers made by the person after the person has been
24 voluntarily excluded shall not be paid to the person
25 but shall be deposited into the gambling treatment
26 fund created in section 135.150.

27 Sec. 9. Section 99D.9, subsections 1 and 2, Code
28 2003, are amended to read as follows:

29 1. If the commission is satisfied that its rules
30 and sections 99D.8 through 99D.25 applicable to
31 licensees have been or will be complied with, it may
32 issue a license for a period of not more than three
33 years. The commission may decide which types of
34 racing it will permit. The commission may permit dog
35 racing, horse racing of various types, or both dog and
36 horse racing. The commission shall decide the number,
37 location, and type of all racetracks licensed under
38 this chapter. The license shall set forth the name of
39 the licensee, the type of license granted, the place
40 where the race meeting is to be held, and the time and
41 number of days during which racing may be conducted by
42 the licensee. ~~The commission shall not approve the~~
43 ~~licenses for racetracks in Dubuque county and Black~~
44 ~~Hawk county if the proposed racing schedules of the~~
45 ~~two tracks conflict.~~ The commission shall not approve
46 a license application if any part of the racetrack is
47 to be constructed on prime farmland outside the city
48 limits of an incorporated city. As used in this
49 subsection, "prime farmland" means as defined by the
50 United States department of agriculture in 7 C.F.R.

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1 ~~see~~ § 657.5(a). A license is not transferable or
2 assignable. The commission may revoke any license
3 issued for good cause upon reasonable notice and
4 hearing. The commission shall conduct a neighborhood
5 impact study to determine the impact of granting a

6 license on the quality of life in neighborhoods
7 adjacent to the proposed racetrack facility. The
8 applicant for the license shall reimburse the
9 commission for the costs incurred in making the study.
10 A copy of the study shall be retained on file with the
11 commission and shall be a public record. The study
12 shall be completed before the commission may issue a
13 license for the proposed facility.

14 2. A license shall only be granted to a nonprofit
15 corporation or association upon the express condition
16 that:

17 ~~a. The~~ the nonprofit corporation or association
18 shall not, by a lease, contract, understanding, or
19 arrangement of any kind, grant, assign, or turn over
20 to a person the operation of a race meeting licensed
21 under this section or of the pari-mutuel system of
22 wagering described in section 99D.11. This section
23 does not prohibit a management contract approved by
24 the commission.

25 ~~b. The nonprofit corporation shall not in any~~
26 ~~manner permit a person other than the licensee to have~~
27 ~~a share, percentage, or proportion of the money~~
28 ~~received for admissions to the race or race meeting.~~

29 Sec. 10. Section 99D.9, subsection 6, Code 2003,
30 is amended to read as follows:

31 6. (1) A licensee ~~may~~ shall not loan to any
32 person money or any other thing of value for the
33 purpose of permitting that person to wager on any
34 race.

35 (2) A licensee shall not permit a financial
36 institution, vendor, or other person to dispense cash
37 or credit through an electronic or mechanical device
38 including but not limited to a satellite terminal as
39 defined in section 527.2, that is located in the
40 wagering area.

41 (3) When technologically feasible, a licensee
42 shall ensure that a person may voluntarily bar the
43 person's access to receive cash or credit from a
44 financial institution, vendor, or other person through
45 an electronic or mechanical device including but not
46 limited to a satellite terminal as defined in section
47 527.2, that is located on the licensed premises.

48 Sec. 11. Section 99D.9, Code 2003, is amended by
49 adding the following new subsection:

50 NEW SUBSECTION. 8. The commission shall require

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1 that a licensee utilize Iowa resources, goods, and
2 services in the operation of a racetrack enclosure.
3 The commission shall develop standards to assure that
4 a substantial amount of all resources and goods used

5 in the operation of a racetrack enclosure emanate from
 6 and are made in Iowa and that a substantial amount of
 7 all services and entertainment are provided by Iowans.
 8 Sec. 12. Section 99D.11, subsection 7, Code 2003,
 9 is amended to read as follows:
 10 7. A person under the age of twenty-one years
 11 shall not make or attempt to make a pari-mutuel wager.
 12 A person who violates this subsection commits a
 13 scheduled violation under section 805.8C, subsection
 14 4.
 15 Sec. 13. Section 99D.14, subsection 2, Code 2003,
 16 is amended by striking the subsection and inserting in
 17 lieu thereof the following:
 18 2. A licensee shall pay a regulatory fee to be
 19 charged as provided in this section. In determining
 20 the regulatory fee to be charged as provided under
 21 this section, the commission shall use the amount
 22 appropriated to the commission plus the cost of
 23 salaries for no more than two special agents for each
 24 racetrack that has not been issued a table games
 25 license under chapter 99F or no more than three
 26 special agents for each racetrack that has been issued
 27 a table games license under chapter 99F, plus any
 28 direct and indirect support costs for the agents, for
 29 the division of criminal investigation's racetrack
 30 activities, as the basis for determining the amount of
 31 revenue to be raised from the regulatory fee.
 32 Sec. 14. Section 99D.14, subsection 7, Code 2003,
 33 is amended by striking the subsection.
 34 Sec. 15. Section 99D.15, subsection 3, paragraph
 35 d, Code 2003, is amended by striking the paragraph.
 36 Sec. 16. Section 99D.15, Code 2003, is amended by
 37 adding the following new subsection:
 38 NEW SUBSECTION. 5. An amount equal to one-half of
 39 one percent of the gross sum wagered by the pari-
 40 mutuel method shall be deposited into the gambling
 41 treatment fund created in section 135.150 from the tax
 42 revenue received by the commission pursuant to
 43 subsections 1 and 3.
 44 Sec. 17. Section 99D.19, Code 2003, is amended to
 45 read as follows:
 46 99D.19 HORSE OR DOG RACING – LICENSEES – RECORDS
 47 – REPORTS – SUPERVISION.
 48 1. A licensee shall keep its books and records so
 49 as to clearly show the following:
 50 ~~1. a.~~ a. The total number of admissions to ~~to races~~

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1 ~~conducted by it on each racing day, including the~~
 2 ~~number of admissions upon free passes or complimentary~~
 3 ~~tickets for each day of operation.~~

4 ~~2. b. The amount received daily from admission~~
5 ~~fees.~~

6 ~~3. The total amount of money wagered during the~~
7 ~~race meet for each day of operation.~~

8 2. The licensee shall furnish to the commission
9 reports and information as the commission may require
10 with respect to its activities. The commission may
11 designate a representative to attend a licensed race
12 meeting, who shall have full access to all places
13 within the enclosure of the meeting and who shall
14 supervise and check the admissions. The compensation
15 of the representative shall be fixed by the commission
16 but shall be paid by the licensee.

17 Sec. 18. Section 99D.20, Code 2003, is amended to
18 read as follows:

19 99D.20 AUDIT OF LICENSEE OPERATIONS.

20 Within ninety days after the end of each race meet,
21 the licensee shall transmit to the commission an audit
22 of the financial transactions and condition of the
23 licensee's operations conducted under this chapter.
24 Additionally, within ninety days after the end of the
25 licensee's fiscal year, the licensee shall transmit to
26 the commission an audit of the ~~financial transactions~~
27 ~~and condition of the licensee's total racing and~~
28 ~~gaming operations, including an itemization of all~~
29 ~~expenses and subsidies.~~ All audits shall be conducted
30 by certified public accountants registered in the
31 state of Iowa under chapter 542 ~~who are selected by~~
32 ~~the board of supervisors of the county in which the~~
33 ~~licensee operates.~~

34 Sec. 19. Section 99D.23, subsection 1, Code 2003,
35 is amended to read as follows:

36 1. The commission shall employ one or more
37 chemists or contract with a qualified chemical
38 laboratory to determine by chemical testing and
39 analysis of saliva, urine, blood, or other excretions
40 or body fluids whether a substance or drug has been
41 introduced which may affect the outcome of a race or
42 whether an action has been taken or a substance or
43 drug has been introduced which may interfere with the
44 testing procedure. The commission shall adopt rules
45 under chapter 17A concerning procedures and actions
46 taken on positive drug reports. The commission may
47 adopt by reference ~~the standards of the national~~
48 ~~association of state racing commissioners, the~~
49 ~~association of official racing chemists, and New York~~
50 ~~jockey club, or the United States trotting~~

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1 ~~association, nationally recognized standards as~~
2 ~~determined by the commission~~ or may adopt any other

3 procedure or standard. The commission has the
4 authority to retain and preserve by freezing, test
5 samples for future analysis.

6 Sec. 20. Section 99D.25, subsection 1, paragraph
7 a, Code 2003, is amended to read as follows:
8 a. "Drugging" means administering to a horse or
9 dog any substance foreign to the natural horse or dog
10 prior to the start of a race. However, in counties
11 with a population of two hundred fifty thousand or
12 more, "drugging" does not include administering to a
13 horse the drugs ~~lasix~~ furosemide and phenylbutazone in
14 accordance with section 99D.25A and rules adopted by
15 the commission.

16 Sec. 21. Section 99D.25, subsection 5, Code 2003,
17 is amended to read as follows:
18 5. Every horse which suffers a breakdown on the
19 racetrack, in training, or in competition, and is
20 destroyed, and every other horse which expires while
21 stabled on the racetrack under the jurisdiction of the
22 commission, shall undergo a postmortem examination by
23 a veterinarian or a veterinary pathologist at a time
24 and place acceptable to the commission veterinarian to
25 determine the injury or sickness which resulted in
26 euthanasia or natural death. ~~The postmortem~~
27 ~~examination shall be conducted by a veterinarian~~
28 ~~employed by the owner or the owner's trainer in the~~
29 ~~presence of and in consultation with the commission~~
30 ~~veterinarian.~~ Test samples shall be obtained from the
31 carcass upon which the postmortem examination is
32 conducted and shall be sent to a laboratory approved
33 by the commission for testing for foreign substances
34 and natural substances at abnormal levels. When
35 practical, blood and urine test samples should be
36 procured prior to euthanasia. The owner of the
37 deceased horse is responsible for payment of any
38 charges due ~~the veterinarian employed~~ to conduct the
39 postmortem examination. ~~The services of the~~
40 ~~commission veterinarian and the laboratory testing of~~
41 ~~postmortem samples shall be made available by the~~
42 ~~commission without charge to the owner.~~ A record of
43 every postmortem shall be filed with the commission by
44 the owner's veterinarian or veterinary pathologist who
45 performed the postmortem within seventy-two hours of
46 the death ~~and shall be submitted on a form supplied by~~
47 ~~the commission.~~ Each owner and trainer accepts the
48 responsibility for the postmortem examination provided
49 herein as a requisite for maintaining the occupational
50 license issued by the commission.

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1 Sec. 22. Section 99D.25, subsection 9, Code 2003,

2 is amended to read as follows:

3 9. The commission shall conduct random tests of
4 bodily substances of horses entered to race each day
5 of a race meeting to aid in the detection of any
6 unlawful drugging. The tests ~~shall~~ may be conducted
7 both prior to and after a race. The commission shall
8 also test any horse that breaks down during a race and
9 shall perform an autopsy on any horse that is killed
10 or subsequently destroyed as a result of an accident
11 during a race.

12 Sec. 23. Section 99D.25A, subsections 3 through 7,
13 Code 2003, are amended to read as follows:

14 3. If a horse is to race with phenylbutazone in
15 its system, the trainer, or trainer's designee, shall
16 be responsible for marking the information on the
17 entry blank for each race in which the horse shall use
18 phenylbutazone. Changes made after the time of entry
19 must be submitted on the prescribed form to the
20 commission veterinarian no later than scratch time.

21 4. If a test detects concentrations of
22 phenylbutazone in the system of a horse in excess of
23 the level permitted in this section, the commission
24 shall assess a civil penalty against the trainer of at
25 least two hundred dollars for the first offense and at
26 least five hundred dollars for a second offense. The
27 penalty for a third or subsequent offense shall be in
28 the discretion of the commission. A penalty assessed
29 under this subsection shall not affect the placing of
30 the horse in the race.

31 5. ~~Lasix~~ Furosemide may be administered to
32 certified bleeders. Upon request, any horse placed on
33 the bleeder list shall, in its next race, be permitted
34 the use of ~~lasix~~ furosemide. Once a horse has raced
35 with ~~lasix~~ furosemide, it must continue to race with
36 ~~lasix~~ furosemide in all subsequent races unless a
37 request is made to discontinue the use. If the use of
38 ~~lasix~~ furosemide is discontinued, the horse shall be
39 prohibited from again racing with ~~lasix~~ furosemide
40 unless it is later observed to be bleeding. Requests
41 for the use of or discontinuance of ~~lasix~~ furosemide
42 must be made to the commission veterinarian by the
43 horse's trainer or assistant trainer on a form
44 prescribed by the commission on or before the day of
45 entry into the race for which the request is made.

46 6. Once a horse has been permitted the use of
47 ~~lasix~~ furosemide, the horse must be treated with ~~lasix~~
48 furosemide in the horse's stall, unless the commission
49 provides that a horse must be brought to the detention
50 barn for treatment. After the ~~lasix~~ furosemide

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1 treatment, the commission, by rule, may authorize the
2 release of the horse from the horse's stall or
3 detention barn before the scheduled post time. If a
4 horse is brought to the detention barn late, the
5 commission shall assess a civil penalty of one hundred
6 dollars against the trainer.

7 7. A horse entered to race with ~~lasix~~ furosemide
8 must be treated at least four hours prior to post
9 time. The ~~lasix~~ furosemide shall be administered
10 intravenously by a veterinarian employed by the owner
11 or trainer of the horse. The commission shall adopt
12 rules to ensure that ~~lasix~~ furosemide is administered
13 as provided in this section. The commission shall
14 require that the practicing veterinarian deliver an
15 affidavit signed by the veterinarian which certifies
16 information regarding the treatment of the horse. The
17 affidavit must be delivered to a commission
18 veterinarian within twenty minutes following the
19 treatment. The statement must at least include the
20 name of the practicing veterinarian, the tattoo number
21 of the horse, the location of the barn and stall where
22 the treatment occurred, the race number of the horse,
23 the name of the trainer, and the time that the ~~lasix~~
24 furosemide was administered. ~~Lasix~~ Furosemide shall
25 only be administered in a dose level of two hundred
26 fifty milligrams.

27 Sec. 24. Section 99F.1, Code Supplement 2003, is
28 amended by adding the following new subsection:
29 NEW SUBSECTION. 7A. "Excursion boat" means a
30 self-propelled, floating vessel that is or has been
31 previously certified by the United States coast guard
32 for operation as a vessel.

33 Sec. 25. Section 99F.1, subsection 8, Code
34 Supplement 2003, is amended to read as follows:
35 8. "Excursion gambling boat" means ~~a self-~~
36 ~~propelled an~~ excursion boat or moored barge on which
37 lawful gambling is authorized and licensed as provided
38 in this chapter.

39 Sec. 26. Section 99F.1, subsection 10, Code
40 Supplement 2003, is amended to read as follows:
41 10. "Gambling game" means any game of chance
42 authorized by the commission. However, for racetrack
43 enclosures, "gambling game" does not include table
44 games of chance or video machines which simulate table
45 games of chance, unless otherwise authorized by this
46 chapter. "Gambling game" does not include sports
47 betting.

48 Sec. 27. Section 99F.1, Code Supplement 2003, is
49 amended by adding the following new subsection:
50 NEW SUBSECTION. 10A. "Gaming floor" means that

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1 portion of an excursion gambling boat or racetrack
2 enclosure in which gambling games are conducted as
3 designated by the commission.

4 Sec. 28. Section 99F.1, subsection 12, Code
5 Supplement 2003, is amended to read as follows:

6 12. "Holder of occupational license" means a
7 person licensed by the commission to perform an
8 occupation which the commission has identified as
9 requiring a license to engage in the excursion
10 gambling boat gambling industry in Iowa.

11 Sec. 29. Section 99F.1, Code Supplement 2003, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 14A. "Moored barge" means a barge
14 or vessel that is not self-propelled.

15 Sec. 30. Section 99F.1, subsection 16, Code
16 Supplement 2003, is amended to read as follows:

17 16. "Racetrack enclosure" means all real property
18 utilized for the conduct of a race meeting, including
19 the racetrack, grandstand, clubhouse, turf club, or
20 other areas of a licensed racetrack which an
21 individual may enter only upon payment of an admission
22 fee, or upon payment by another, at any time, based
23 upon the individual's admittance, or upon presentation
24 of authorized credentials. "Racetrack enclosure" also
25 means concession stands, offices, barns, kennels and
26 barn areas, employee housing facilities, parking lots,
27 and any additional areas designated by the commission.

28 Sec. 31. Section 99F.4, subsection 2, Code 2003,
29 is amended to read as follows:

30 2. To license qualified sponsoring organizations,
31 to license the operators of excursion gambling boats,
32 to identify occupations within the excursion gambling
33 boat operations which require licensing, and to adopt
34 standards for licensing the occupations including
35 establishing fees for the occupational licenses and
36 licenses for qualified sponsoring organizations. The
37 fees shall be paid to the commission and deposited in
38 the general fund of the state. All revenue received
39 by the commission under this chapter from license fees
40 and admission regulatory fees shall be deposited in
41 the general fund of the state and shall be subject to
42 the requirements of section 8.60.

43 Sec. 32. Section 99F.4, subsection 6, Code 2003,
44 is amended to read as follows:

45 6. To investigate alleged violations of this
46 chapter or the commission rules, orders, or final
47 decisions and to take appropriate disciplinary action
48 against a licensee or a holder of an occupational
49 license for a violation, or institute appropriate
50 legal action for enforcement, or both. Information

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1 gathered during an investigation is confidential
2 during the pendency of the investigation.

3 Sec. 33. Section 99F.4, subsection 18, Code 2003,
4 is amended to read as follows:

5 18. To provide for the continuous ~~videotaping~~
6 recording of all gambling activities on an excursion
7 gambling boat. The ~~videotaping recording~~ shall be
8 performed under guidelines set by rule of the division
9 of criminal investigation and the rules may require
10 that all or part of the original ~~tapes recordings~~ be
11 submitted to the division on a timely schedule.

12 Sec. 34. Section 99F.4, subsection 20, Code 2003,
13 is amended by striking the subsection.

14 Sec. 35. Section 99F.4, Code 2003, is amended by
15 adding the following new subsections:

16 NEW SUBSECTION. 23. To require licensees to
17 establish a process to allow a person to be
18 voluntarily excluded for life from an excursion
19 gambling boat and all other licensed facilities under
20 this chapter and chapter 99D. The process established
21 shall require that a licensee disseminate information
22 regarding persons voluntarily excluded to all
23 licensees under this chapter and chapter 99D. The
24 state and any licensee under this chapter or chapter
25 99D shall not be liable to any person for any claim
26 which may arise from this process. In addition to any
27 other penalty provided by law, any money or thing of
28 value that has been obtained by, or is owed to, a
29 voluntarily excluded person by a licensee as a result
30 of wagers made by the person after the person has been
31 voluntarily excluded shall not be paid to the person
32 but shall be deposited into the gambling treatment
33 fund created in section 135.150.

34 NEW SUBSECTION. 24. To approve a licensee's
35 application to operate as a moored barge, an excursion
36 boat that will cruise, or an excursion boat that will
37 not cruise, as submitted pursuant to section 99F.7.

38 NEW SUBSECTION. 25. To conduct a socioeconomic
39 study on the impact of gambling on Iowans, every eight
40 years beginning in calendar year 2008, and issue a
41 report on that study. The commission shall ensure
42 that the results of each study are readily accessible
43 to the public.

44 Sec. 36. Section 99F.4A, subsection 4, Code 2003,
45 is amended to read as follows:

46 4. The regulatory fee imposed in section 99D.14,
47 subsection 2, shall be collected ~~for admission to from~~
48 a licensee of a racetrack enclosure where gambling
49 games are licensed to operate in lieu of the admission
50 regulatory fee imposed in section 99F.10.

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1 Sec. 37. Section 99F.4A, subsection 8, Code 2003,
2 is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 8. The commission shall, upon the immediate
5 payment of the applicable table games license fee and
6 submission to the commission by June 1, 2005, of an
7 application by a licensee of a pari-mutuel dog or
8 horse racetrack licensed to conduct gambling games at
9 a pari-mutuel racetrack enclosure, issue a license to
10 the licensee to conduct table games of chance,
11 including video machines that simulate table games of
12 chance, at the pari-mutuel racetrack enclosure subject
13 to the requirements of this subsection. However, a
14 table games license may only be issued to a licensee
15 required to pay a table games license fee of three
16 million dollars under this subsection if the licensee,
17 and all other licensees of an excursion gambling boat
18 in that county, file an agreement with the commission
19 authorizing the granting of a table games license
20 under this subsection and permitting all licensees of
21 an excursion gambling boat to operate a moored barge
22 as of a specific date. The licensee shall be granted
23 a table games license by the commission without
24 conducting a separate referendum authorizing table
25 games upon payment of the applicable license fee to
26 the commission which table games license fee may be
27 offset by the licensee against taxes imposed on the
28 licensee by section 99F.11, to the extent of twenty
29 percent of the table games license fee paid pursuant
30 to this subsection for each of five consecutive fiscal
31 years beginning with the fiscal year beginning July 1,
32 2008. Fees paid pursuant to this subsection are not
33 refundable to the licensee. A licensee shall not be
34 required to pay a fee to renew a table games license
35 issued pursuant to this subsection. Moneys collected
36 by the commission from a table games license fee paid
37 under this subsection shall be deposited in the
38 rebuild Iowa infrastructure fund created in section
39 8.57.

40 For purposes of this subsection, the applicable
41 license fee for a licensee shall be three million
42 dollars if the adjusted gross receipts from gambling
43 games for the licensee in the previous fiscal year was
44 less than one hundred million dollars, and shall be
45 ten million dollars if the adjusted gross receipts
46 from gambling games for the licensee in the previous
47 fiscal year was one hundred million dollars or more.

48 Sec. 38. Section 99F.5, subsection 1, Code 2003,
49 is amended to read as follows:

50 1. A qualified sponsoring organization may apply

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1 to the commission for a license to conduct gambling
2 games on an excursion gambling boat as provided in
3 this chapter. A person may apply to the commission
4 for a license to operate an excursion gambling boat.
5 An operating agreement entered into on or after the
6 effective date of this section of this Act between a
7 qualified sponsoring organization and an operator
8 shall provide for a minimum distribution by the
9 qualified sponsoring organization for educational,
10 civic, public, charitable, patriotic, or religious
11 uses as defined in section 99B.7, subsection 3,
12 paragraph "b", that averages at least three percent of
13 the adjusted gross receipts for each license year.
14 The application shall be filed with the administrator
15 of the commission at least ninety days before the
16 first day of the next excursion season as determined
17 by the commission, shall identify the excursion
18 gambling boat upon which gambling games will be
19 authorized, shall specify the exact location where the
20 excursion gambling boat will be docked, and shall be
21 in a form and contain information as the commission
22 prescribes. The minimum passenger capacity of an
23 excursion gambling boat is two hundred fifty persons.

24 Sec. 39. Section 99F.6, subsection 4, paragraph a,
25 Code Supplement 2003, is amended to read as follows:

26 a. Before a license is granted, the division of
27 criminal investigation of the department of public
28 safety shall conduct a thorough background
29 investigation of the applicant for a license to
30 operate a gambling game operation on an excursion
31 gambling boat. The applicant shall provide
32 information on a form as required by the division of
33 criminal investigation. A qualified sponsoring
34 organization licensed to operate gambling games under
35 this chapter shall distribute the receipts of all
36 gambling games, less reasonable expenses, charges,
37 taxes, fees, and deductions allowed under this
38 chapter, as winnings to players or participants or
39 shall distribute the receipts for educational, civic,
40 public, charitable, patriotic, or religious uses as
41 defined in section 99B.7, subsection 3, paragraph "b".
42 However, a licensee to conduct gambling games under
43 this chapter shall, unless an operating agreement for
44 an excursion gambling boat otherwise provides,
45 distribute at least three percent of the adjusted
46 gross receipts for each license year for educational,
47 civic, public, charitable, patriotic, or religious
48 uses as defined in section 99B.7, subsection 3,
49 paragraph "b". However, if a licensee who is also
50 licensed to conduct pari-mutuel wagering at a horse

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1 racetrack has unpaid debt from the pari-mutuel
2 racetrack operations, the first receipts of the
3 gambling games operated within the racetrack enclosure
4 less reasonable operating expenses, taxes, and fees
5 allowed under this chapter shall be first used to pay
6 the annual indebtedness. The commission shall
7 authorize, subject to the debt payments for horse
8 racetracks and the provisions of paragraph "b" for dog
9 racetracks, a licensee who is also licensed to conduct
10 pari-mutuel dog or horse racing to use receipts from
11 gambling games within the racetrack enclosure to
12 supplement purses for races particularly for Iowa-bred
13 horses pursuant to an agreement which shall be
14 negotiated between the licensee and representatives of
15 the dog or horse owners. For each agreement
16 concerning purses for horse racing beginning on or
17 after January 1, 2006, and ending before January 1,
18 2021, the agreement shall provide that total annual
19 purses for all horse racing shall be no less than
20 eleven percent of the first two hundred million
21 dollars of net receipts, and six percent of net
22 receipts above two hundred million dollars, subject to
23 commission approval. A qualified sponsoring
24 organization shall not make a contribution to a
25 candidate, political committee, candidate's committee,
26 state statutory political committee, county statutory
27 political committee, national political party, or
28 fund-raising event as these terms are defined in
29 section 68A.102. The membership of the board of
30 directors of a qualified sponsoring organization shall
31 represent a broad interest of the communities. For
32 purposes of this paragraph, "net receipts" means the
33 annual adjusted gross receipts from all gambling games
34 less the annual amount of money pledged by the owner
35 of the facility to fund a project approved to receive
36 vision Iowa funds as of July 1, 2004.
37 Sec. 40. Section 99F.7, subsection 1, Code 2003,
38 is amended to read as follows:
39 1. If the commission is satisfied that this
40 chapter and its rules adopted under this chapter
41 applicable to licensees have been or will be complied
42 with, the commission shall issue a license for a
43 period of not more than three years to an applicant to
44 own a gambling game operation and to an applicant to
45 operate an excursion gambling boat. The commission
46 shall decide which of the gambling games authorized
47 under this chapter ~~the commission~~ will permit. The
48 commission shall decide the number, location, and type
49 of excursion gambling boats licensed under this
50 chapter for operation on the rivers, lakes, and

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1 reservoirs of this state. An excursion gambling boat
2 may be located or operated on a natural or man-made
3 lake or reservoir if the lake or reservoir is of
4 sufficient size to accommodate recreational activity.
5 An excursion gambling boat may also be located on a
6 man-made basin or other body of water adjacent to a
7 river, provided it is located no more than one
8 thousand feet from the high water mark of the river,
9 as established by the commission in consultation with
10 the United States army corps of engineers, the
11 department of natural resources, or other appropriate
12 regulatory agency. The license shall set forth, as
13 applicable, the name of the licensee, the type of
14 license granted, the place where the excursion
15 gambling boats will operate and dock, and the time and
16 number of days during the excursion season and the off
17 season when gambling may be conducted by the licensee.

18 ~~The~~
19 1A. a. An applicant for a license to conduct
20 gambling games on an excursion gambling boat, and each
21 licensee by June 30 of each year thereafter, shall
22 indicate and have noted on the license whether the
23 applicant or licensee will operate a moored barge, an
24 excursion boat that will cruise, or an excursion boat
25 that will not cruise subject to the requirements of
26 this subsection. If the applicant or licensee will
27 operate a moored barge or an excursion boat that will
28 not cruise, the requirements of this chapter
29 concerning cruising shall not apply. If the
30 applicant's or licensee's excursion boat will cruise,
31 the applicant or licensee shall comply with the
32 cruising requirements of this chapter and the
33 commission shall not allow such a licensee to conduct
34 gambling games on an excursion gambling boat while
35 docked during the off season if the licensee does not
36 operate gambling excursions for a minimum number of
37 days during the excursion season. The commission may
38 delay the commencement of the excursion season at the
39 request of a licensee.

40 b. However, an applicant or licensee of an
41 excursion gambling boat that is located in the same
42 county as a racetrack enclosure conducting gambling
43 games shall not be allowed to operate a moored barge
44 unless either of the following applies:

45 (1) If the licensee is located in the same county
46 as a racetrack enclosure conducting gambling games
47 that had less than one hundred million dollars in
48 adjusted gross receipts from gambling games for the
49 fiscal year beginning July 1, 2003, the licensee of an
50 excursion gambling boat is authorized to operate a

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1 moored barge if the licensee, the licensee of the
2 racetrack enclosure, and all other licensees of an
3 excursion gambling boat in that county file an
4 agreement with the commission agreeing to the granting
5 of a table games license under this chapter and
6 permitting all licensees of an excursion gambling boat
7 in the county to operate a moored barge as of a
8 specific date.

9 (2) If the licensee is located in the same county
10 as a racetrack enclosure conducting gambling games
11 that had one hundred million dollars or more in
12 adjusted gross receipts from gambling games for the
13 fiscal year beginning July 1, 2003, the licensee of an
14 excursion gambling boat is authorized to operate a
15 moored barge the earlier of July 1, 2007, or the date
16 any form of gambling games, as defined in this
17 chapter, is authorized in any state that is contiguous
18 to the county where the licensee is located.

19 Sec. 41. Section 99F.7, subsection 3, Code 2003,
20 is amended to read as follows:

21 3. The commission shall require, as a condition of
22 granting a license, that an applicant to operate an
23 excursion gambling boat develop, and as nearly as
24 practicable, recreate boats or moored barges that
25 resemble Iowa's riverboat history.

26 Sec. 42. Section 99F.7, subsection 4, Code 2003,
27 is amended to read as follows:

28 4. The commission shall require that an applicant
29 utilize Iowa resources, goods and services in the
30 operation of an excursion gambling boat. The
31 commission shall develop standards to assure that a
32 substantial amount of all resources and goods used in
33 the operation of an excursion gambling boat ~~come~~
34 emanate from and are made in Iowa and that a
35 substantial amount of all services and entertainment
36 be are provided by Iowans.

37 Sec. 43. Section 99F.7, subsection 5, paragraph b,
38 Code 2003, is amended by striking the paragraph.

39 Sec. 44. Section 99F.7, subsection 9, Code 2003,
40 is amended to read as follows:

41 9. a. A licensee shall not loan to any person
42 money or any other thing of value for the purpose of
43 permitting that person to wager on any game of chance.

44 b. A licensee shall not permit a financial
45 institution, vendor, or other person to dispense cash
46 or credit through an electronic or mechanical device
47 including but not limited to a satellite terminal, as
48 defined in section 527.2, that is located on the
49 gaming floor.

50 c. When technologically feasible, a licensee shall

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1 ensure that a person may voluntarily bar the person's
2 access to receive cash or credit from a financial
3 institution, vendor, or other person through an
4 electronic or mechanical device including but not
5 limited to a satellite terminal as defined in section
6 527.2 that is located on the licensed premises.

7 Sec. 45. Section 99F.7, subsection 10, paragraph
8 e, Code 2003, is amended to read as follows:

9 e. After a referendum has been held which defeated
10 a proposal to conduct gambling games on excursion
11 gambling boats or which defeated a proposal to conduct
12 gambling games at a licensed pari-mutuel racetrack
13 enclosure as provided in this section, another
14 referendum on a proposal to conduct gambling games on
15 an excursion gambling boat or at a licensed pari-
16 mutuel racetrack shall not be held for at least ~~two~~
17 eight years.

18 Sec. 46. Section 99F.7, subsection 13, Code 2003,
19 is amended to read as follows:

20 13. An excursion gambling boat operated on inland
21 waters of this state or an excursion boat that has
22 been removed from navigation and is designated as a
23 permanently moored vessel by the United States coast
24 guard shall be subject to the exclusive jurisdiction
25 of the department of natural resources and meet all of
26 the requirements of chapter 462A and is further
27 subject to an inspection of its sanitary facilities to
28 protect the environment and water quality before a
29 certificate of registration is issued by the
30 department of natural resources or a license is issued
31 or renewed under this chapter.

32 Sec. 47. Section 99F.9, subsection 5, Code 2003,
33 is amended to read as follows:

34 5. A person under the age of twenty-one years
35 shall not make or attempt to make a wager on an
36 excursion gambling boat or in a racetrack enclosure
37 and shall not be allowed in the area on the gaming
38 floor of the an excursion gambling boat where gambling
39 is being conducted or in the wagering area, as defined
40 in section 99D.2, or on the gaming floor of a
41 racetrack enclosure. However, a person eighteen years
42 of age or older may be employed to work in a gambling
43 area on the gaming floor of an excursion gambling boat
44 or in the wagering area or on the gaming floor of a
45 racetrack enclosure. A person who violates this
46 subsection with respect to making or attempting to
47 make a wager commits a scheduled violation under
48 section 805.8C, subsection 4.

49 Sec. 48. Section 99F.10, Code 2003, is amended to
50 read as follows:

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1 99F.10 ADMISSION REGULATORY FEE – TAX – LOCAL
2 FEES.

3 1. A qualified sponsoring organization conducting
4 gambling games on an excursion gambling boat licensed
5 under section 99F.7 shall pay the tax imposed by
6 section 99F.11.

7 2. An excursion gambling boat licensee shall pay
8 to the commission ~~an admission a regulatory fee for~~
9 ~~each person embarking on an excursion gambling boat~~
10 ~~with a ticket of admission to be charged as provided~~
11 ~~in this section. The admission fee shall be set by~~
12 ~~the commission.~~

13 a. ~~If tickets are issued which are good for more~~
14 ~~than one excursion, the admission fee shall be paid~~
15 ~~for each person using the ticket on each excursion~~
16 ~~that the ticket is used.~~

17 b. ~~If free passes or complimentary admission~~
18 ~~tickets are issued, the licensee shall pay the same~~
19 ~~fee upon these passes or complimentary tickets as if~~
20 ~~they were sold at the regular and usual admission~~
21 ~~rate.~~

22 c. ~~However, the excursion boat licensee may issue~~
23 ~~fee free passes to actual and necessary officials and~~
24 ~~employees of the licensee or other persons actually~~
25 ~~working on the excursion gambling boat.~~

26 d. ~~The issuance of fee free passes is subject to~~
27 ~~the rules of the commission, and a list of all persons~~
28 ~~to whom the fee free passes are issued shall be filed~~
29 ~~with the commission.~~

30 3. ~~In addition to the admission fee charged under~~
31 ~~subsection 2 and subject Subject to approval of~~
32 ~~excursion gambling boat docking by the voters, a city~~
33 ~~may adopt, by ordinance, an admission fee not~~
34 ~~exceeding fifty cents for each person embarking on an~~
35 ~~excursion gambling boat docked within the city or a~~
36 ~~county may adopt, by ordinance, an admission fee not~~
37 ~~exceeding fifty cents for each person embarking on an~~
38 ~~excursion gambling boat docked outside the boundaries~~
39 ~~of a city. The admission revenue received by a city~~
40 ~~or a county shall be credited to the city general fund~~
41 ~~or county general fund as applicable.~~

42 4. In determining the license fees and state
43 admission regulatory fees to be charged as provided
44 under section 99F.4 and this section, the commission
45 shall use the amount appropriated to the commission
46 plus the cost of salaries for no more than two special
47 agents and no more than four gaming enforcement
48 officers for each excursion gambling boat, plus any
49 direct and indirect support costs for the agents and
50 officers, for the division of criminal investigation's

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1 excursion gambling boat activities ~~and an amount for~~
2 ~~all licensees, not to exceed one hundred twenty five~~
3 ~~thousand dollars, representing other associated costs~~
4 ~~of the division, as the basis for determining the~~
5 amount of revenue to be raised from the license fees
6 and admission regulatory fees. ~~The division's salary~~
7 ~~costs shall be limited to eighty percent of the salary~~
8 ~~costs for special agents and eighty percent of the~~
9 ~~salary costs for gaming enforcement for personnel~~
10 ~~assigned to excursion gambling boats who enforce laws~~
11 ~~and rules adopted by the commission.~~

12 5. No other license tax, permit tax, occupation
13 tax, excursion fee, or taxes on fees shall be levied,
14 assessed, or collected from a licensee by the state or
15 by a political subdivision, except as provided in this
16 chapter.

17 6. No other excise tax shall be levied, assessed,
18 or collected from the licensee relating to gambling
19 excursions or admission charges by the state or by a
20 political subdivision, except as provided in this
21 chapter.

22 7. In addition to any other fees required by this
23 chapter, a person awarded a new license to conduct
24 gambling games pursuant to section 99F.7 on or after
25 January 1, 2004, shall pay the applicable initial
26 license fee to the commission as provided by this
27 subsection. A person awarded a new license shall pay
28 one-fifth of the applicable initial license fee
29 immediately upon the granting of the license, one-
30 fifth of the applicable initial license fee within one
31 year of the granting of the license, one-fifth of the
32 applicable initial license fee within two years of the
33 granting of the license, one-fifth of the applicable
34 initial license fee within three years of the granting
35 of the license, and the remaining one-fifth of the
36 applicable initial license fee within four years of
37 the granting of the license. However, the license fee
38 provided for in this subsection shall not apply when a
39 licensed facility is sold and a new license is issued
40 to the purchaser. Fees paid pursuant to this
41 subsection are not refundable to the licensee. For
42 purposes of this subsection, the applicable initial
43 license fee shall be five million dollars if the
44 population of the county where the licensee shall
45 conduct gambling games is fifteen thousand or less
46 based upon the most recent federal decennial census,
47 shall be ten million dollars if the population of the
48 county where the licensee shall conduct gambling games
49 is more than fifteen thousand and less than one
50 hundred thousand based upon the most recent federal

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1 decennial census, and shall be twenty million dollars
2 if the population of the county where the licensee
3 shall conduct gambling games is one hundred thousand
4 or more based upon the most recent federal decennial
5 census. Moneys collected by the commission from an
6 initial license fee paid under this subsection shall
7 be deposited in the rebuild Iowa infrastructure fund
8 created in section 8.57.

9 Sec. 49. Section 99F.11, Code Supplement 2003, is
10 amended to read as follows:

11 99F.11 WAGERING TAX – RATE – ALLOCATIONS.

12 1. A tax is imposed on the adjusted gross receipts
13 received ~~annually~~ each fiscal year from gambling games
14 authorized under this chapter at the rate of five
15 percent on the first one million dollars of adjusted
16 gross receipts, and at the rate of ten percent on the
17 next two million dollars of adjusted gross receipts, ~~and~~
18 ~~and at the rate of twenty percent~~

19 2. The tax rate imposed each fiscal year on any
20 amount of adjusted gross receipts over three million
21 dollars. ~~However, beginning January 1, 1997, the rate~~
22 ~~on any amount of adjusted gross receipts over three~~
23 ~~million dollars from gambling games at racetrack~~
24 ~~enclosures is twenty-two percent and shall increase by~~
25 ~~two percent each succeeding calendar year until the~~
26 ~~rate is thirty-six percent. shall be as follows:~~

27 a. If the licensee is an excursion gambling boat,
28 twenty-two percent.

29 b. If the licensee is a racetrack enclosure
30 conducting gambling games and another licensee that is
31 an excursion gambling boat is located in the same
32 county, then the following rate, as applicable:

33 (1) If the licensee of the racetrack enclosure has
34 not been issued a table games license during the
35 fiscal year or if the adjusted gross receipts from
36 gambling games of the licensee in the prior fiscal
37 year were less than one hundred million dollars,
38 twenty-two percent.

39 (2) If the licensee of the racetrack enclosure has
40 been issued a table games license during the fiscal
41 year or prior fiscal year and the adjusted gross
42 receipts from gambling games of the licensee in the
43 prior fiscal year were one hundred million dollars or
44 more, twenty-two percent on adjusted gross receipts
45 received prior to the operational date and twenty-four
46 percent on adjusted gross receipts received on or
47 after the operational date. For purposes of this
48 subparagraph, the operational date is the date the
49 commission determines table games became operational
50 at the racetrack enclosure.

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1 c. If the licensee is a racetrack enclosure
2 conducting gambling games and no licensee that is an
3 excursion gambling boat is located in the same county.
4 twenty-four percent.

5 3. The taxes imposed by this section shall be paid
6 by the licensee to the treasurer of state within ten
7 days after the close of the day when the wagers were
8 made and shall be distributed as follows:

9 1- a. If the gambling excursion originated at a
10 dock located in a city, one-half of one percent of the
11 adjusted gross receipts shall be remitted to the
12 treasurer of the city in which the dock is located and
13 shall be deposited in the general fund of the city.
14 Another one-half of one percent of the adjusted gross
15 receipts shall be remitted to the treasurer of the
16 county in which the dock is located and shall be
17 deposited in the general fund of the county.

18 2- b. If the gambling excursion originated at a
19 dock located in a part of the county outside a city,
20 one-half of one percent of the adjusted gross receipts
21 shall be remitted to the treasurer of the county in
22 which the dock is located and shall be deposited in
23 the general fund of the county. Another one-half of
24 one percent of the adjusted gross receipts shall be
25 remitted to the treasurer of the Iowa city nearest to
26 where the dock is located and shall be deposited in
27 the general fund of the city.

28 3- c. ~~Three-tenths~~ One-half of one percent of the
29 adjusted gross receipts shall be deposited in the
30 gambling treatment fund ~~specified in section 99C.30,~~
31 ~~subsection 1, paragraph "a" created in section~~
32 135.150.

33 d. One-half of one percent of the adjusted gross
34 receipts shall be deposited in the county endowment
35 fund created in section 15E.311.

36 4- e. The remaining amount of the adjusted gross
37 receipts tax shall be credited to the general fund of
38 the state.

39 Sec. 50. Section 99F.12, Code 2003, is amended to
40 read as follows:

41 99F.12 LICENSEES – RECORDS – REPORTS –
42 SUPERVISION.

43 1. A licensee shall keep its books and records so
44 as to clearly show all of the following:

45 1- a. ~~The total number of admissions to gambling~~
46 ~~excursions conducted by the licensee on each day,~~
47 ~~including the number of admissions upon free passes or~~
48 ~~complimentary tickets for each day of operation.~~

49 2- b. ~~The amount received daily from admission~~
50 ~~fees.~~

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1 ~~3.~~ The total amount of money wagered ~~during each~~
2 ~~excursion day~~ and the adjusted gross receipts for ~~the~~
3 ~~each day of operation.~~

4 2. The licensee shall furnish to the commission
5 reports and information as the commission may require
6 with respect to its activities. The gross receipts
7 and adjusted gross receipts from gambling shall be
8 separately handled and accounted for from all other
9 moneys received from operation of an excursion
10 gambling boat ~~or from operation of a racetrack~~
11 ~~enclosure licensed to conduct gambling games.~~ The
12 commission may designate a representative to board a
13 licensed excursion gambling boat ~~or to enter a~~
14 ~~racetrack enclosure licensed to conduct gambling~~
15 ~~games,~~ who shall have full access to all places within
16 the enclosure of the boat ~~or the racetrack enclosure,~~
17 who shall directly supervise the handling and
18 accounting of all gross receipts and adjusted gross
19 receipts from gambling, and who shall supervise and
20 check the admissions. The compensation of a
21 representative shall be fixed by the commission but
22 shall be paid by the licensee.

23 3. The books and records kept by a licensee as
24 provided by this section are public records and the
25 examination, publication, and dissemination of the
26 books and records are governed by the provisions of
27 chapter 22.

28 Sec. 51. Section 99F.13, Code 2003, is amended to
29 read as follows:

30 99F.13 ANNUAL AUDIT OF LICENSEE OPERATIONS.

31 Within ninety days after the end of the licensee's
32 fiscal year, the licensee shall transmit to the
33 commission an audit of the ~~financial transactions and~~
34 ~~condition of the~~ licensee's total gambling operations,
35 including an itemization of all expenses and
36 subsidies. All audits shall be conducted by certified
37 public accountants registered or licensed in the state
38 of Iowa under chapter 542 who are selected by the
39 board of supervisors of the county in which the
40 licensee operates.

41 Sec. 52. Section 99F.17, subsections 5 and 6, Code
42 2003, are amended to read as follows:

43 5. The manufacturer or distributor of gambling
44 games or implements of gambling shall provide the
45 commission with ~~a copy of the invoice~~ written notice
46 showing the items shipped to the licensee ~~and a copy~~
47 ~~of the bill of lading.~~

48 6. Subsection 2 does not apply in the following
49 cases, if approved by the commission:

50 a. Gambling games or implements of gambling

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1 previously installed ~~on an excursion gambling boat in~~
2 a gambling location licensed in another jurisdiction.

3 b. Gambling games or implements of gambling
4 previously installed ~~on an excursion gambling boat in~~
5 a gambling location licensed in this state.

6 Sec. 53. Section 99G.39, subsection 1, paragraph

7 a, Code Supplement 2003, is amended to read as
8 follows:

9 a. An amount equal to ~~three-tenths~~ one-half of one
10 percent of the gross lottery revenue for the year
11 shall be deposited in ~~a the~~ the gambling treatment fund ~~in~~
12 ~~the office of the treasurer of state created in~~
13 section 135.150.

14 Sec. 54. NEW SECTION. 135.150 GAMBLING TREATMENT
15 FUND.

16 1. A gambling treatment fund is created in the
17 state treasury under the control of the department.
18 The fund consists of all moneys appropriated to the
19 fund. However, if moneys appropriated to the fund in
20 a fiscal year exceed six million dollars, the amount
21 exceeding six million dollars shall be transferred to
22 the rebuild Iowa infrastructure fund created in
23 section 8.57. Moneys in the fund are appropriated to
24 the department for the purposes described in this
25 section.

26 2. Moneys appropriated to the department under
27 this section shall be for the purpose of operating a
28 gambling treatment program and shall be used for
29 funding of administrative costs and to provide
30 programs which may include, but are not limited to,
31 outpatient and follow-up treatment for persons
32 affected by problem gambling, rehabilitation and
33 residential treatment programs, information and
34 referral services, crisis call access, education and
35 preventive services, and financial management and
36 credit counseling services.

37 3. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the
39 gambling treatment fund shall be credited to the
40 gambling treatment fund. Notwithstanding section
41 8.33, moneys credited to the gambling treatment fund
42 shall not revert to the fund from which appropriated
43 at the close of a fiscal year.

44 4. The department shall report semiannually to the
45 legislative government oversight committees regarding
46 the operation of the gambling treatment fund and
47 program. The report shall include, but is not limited
48 to, information on revenues and expenses related to
49 the fund for the previous period, fund balances for
50 the period, and moneys expended and grants awarded for

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1 operation of the gambling treatment program.
2 Sec. 55. Section 421.17, Code Supplement 2003, is
3 amended by adding the following new subsection:
4 NEW SUBSECTION. 28. To administer the county
5 endowment fund created in section 15E.311.
6 Sec. 56. NEW SECTION. 725.19 GAMBLING BY MINORS.
7 1. Any person under the age of twenty-one years
8 shall not make or attempt to make a gambling wager,
9 except as permitted under chapter 99B. A person who
10 violates this subsection commits a scheduled violation
11 under section 805.8C, subsection 4.
12 2. A person who knowingly permits a person under
13 the age of twenty-one years to make or attempt to make
14 a gambling wager, except as permitted under chapter
15 99B, is guilty of a simple misdemeanor.
16 Sec. 57. Section 805.8C, Code 2003, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For
19 violations of legal age for gambling wagering under
20 section 99D.11, subsection 7, section 99F.9,
21 subsection 5, and section 725.19, subsection 1, the
22 scheduled fine is five hundred dollars. Failure to
23 pay the fine by a person under the age of eighteen
24 shall not result in the person being detained in a
25 secure facility.
26 Sec. 58. Sections 99D.14A and 99F.10A, Code 2003,
27 are repealed.
28 Sec. 59. DEPARTMENT OF PUBLIC SAFETY – SPECIAL
29 AGENT AUTHORIZATION. For the fiscal year beginning
30 July 1, 2004, the department of public safety, with
31 the approval of the department of management, may
32 employ one additional special agent for each racetrack
33 facility that is issued a table games license pursuant
34 to this Act during the fiscal year which begins July
35 1, 2004. Positions authorized in this section are in
36 addition to special agent positions otherwise
37 authorized for the department of public safety.
38 Sec. 60. SOCIOECONOMIC STUDY OF GAMBLING.
39 1. The legislative council shall commission a
40 study by an independent entity to study the
41 socioeconomic impact of gambling on Iowans. The
42 legislative council is authorized to expend up to one
43 hundred thousand dollars to complete the study. The
44 legislative council shall make the report available by
45 July 1, 2005.
46 2. The study shall be an empirical study and
47 include, but not be limited to, the following matters:
48 a. The economic impact of gambling on communities
49 and other businesses.
50 b. The impact of gambling, if any, on family

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1 finances and family relations in general.
2 c. Demographic information on gamblers.
3 d. An assessment of the impact, if any, of
4 pathological or problem gambling on individuals,
5 families, social institutions, criminal activity, and
6 the economy.
7 e. Other relevant issues to fully examine the
8 socioeconomic impact of gambling.

9 Sec. 61. TRANSITION PROVISIONS – EXCURSION
10 GAMBLING BOAT CRUISING. A licensee authorized to
11 conduct gambling games on an excursion gambling boat
12 pursuant to chapter 99F as of January 1, 2004, shall,
13 no later than June 1, 2004, notify the racing and
14 gaming commission in writing if the licensee intends
15 to operate a moored barge, an excursion boat that will
16 cruise, or an excursion boat that will not cruise.
17 However, a licensee that is located in the same county
18 as a licensee of a racetrack enclosure that conducts
19 gambling games that had less than one hundred million
20 dollars in adjusted gross receipts from gambling games
21 for the fiscal year beginning July 1, 2003, shall only
22 be allowed to operate a moored barge if the licensee,
23 the licensee of the racetrack enclosure, and all other
24 licensees of an excursion gambling boat in that county
25 file an agreement with the commission agreeing to the
26 granting of a table games license under chapter 99F
27 and permitting all licensees of an excursion gambling
28 boat to operate a moored barge as of a specific date.
29 The racing and gaming commission shall make the
30 election of each licensee under this section public by
31 June 7, 2004. A licensee who initially elects to
32 operate a moored barge or an excursion boat that will
33 not cruise may, no later than June 30, 2004, change
34 its election and elect to operate an excursion boat
35 that will cruise.

36 Sec. 62. 2002-2004 RACETRACK ENCLOSURES –
37 GAMBLING GAMES TAX.

38 1. Notwithstanding any provision of section 99F.11
39 to the contrary, a racetrack enclosure conducting
40 gambling games shall pay a tax on the adjusted gross
41 receipts over three million dollars received for the
42 fiscal year beginning July 1, 2002, and ending June
43 30, 2003, and for the fiscal year beginning July 1,
44 2003, and ending June 30, 2004, from gambling games
45 authorized under chapter 99F at the following tax rate
46 for each fiscal year:

47 a. If the licensee of the racetrack enclosure
48 conducting gambling games received adjusted gross
49 receipts from gambling games in the fiscal year
50 beginning July 1, 2002, of less than one hundred

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1 million dollars, twenty-two percent.

2 b. If the licensee of the racetrack enclosure
3 conducting gambling games received adjusted gross
4 receipts from gambling games in the fiscal year
5 beginning July 1, 2002, of one hundred million dollars
6 or more, twenty-four percent.

7 2. Taxes due as provided by this section on
8 adjusted gross receipts received prior to the
9 effective date of this section of this Act shall be
10 paid by the licensee by June 1, 2004. Taxes on
11 adjusted gross receipts received on or after the
12 effective date of this section of this Act shall be
13 due as otherwise provided for payment of taxes in
14 section 99F.11.

15 3. Notwithstanding any provision of law to the
16 contrary, taxes imposed by this section shall be
17 deposited in the rebuild Iowa infrastructure fund
18 created in section 8.57.

19 Sec. 63. 2005-2006 REBUILD IOWA INFRASTRUCTURE
20 ASSESSMENTS.

21 1. Notwithstanding any provision of chapter 99F to
22 the contrary and in addition to taxes imposed pursuant
23 to section 99F.11, a rebuild Iowa infrastructure
24 assessment is imposed on each licensee authorized to
25 conduct gambling games on an excursion gambling boat
26 pursuant to chapter 99F as of January 1, 2004, as
27 provided in this section.

28 2. a. A 2005 rebuild Iowa infrastructure
29 assessment is imposed at the rate of two and one
30 hundred fifty-two thousandths percent on the estimated
31 adjusted gross receipts amount for each licensee of an
32 excursion gambling boat licensed to conduct gambling
33 games on an excursion gambling boat under chapter 99F
34 as of January 1, 2004. For purposes of this
35 subsection, the estimated adjusted gross receipts
36 amount for a licensee is the amount of adjusted gross
37 receipts from gambling games the revenue estimating
38 conference estimated, as of the most recent meeting of
39 the revenue estimating conference held prior to the
40 effective date of this section of this Act, a facility
41 licensed to conduct gambling games on an excursion
42 gambling boat will receive for the fiscal year
43 beginning July 1, 2004, and ending June 30, 2005.

44 b. The 2005 rebuild Iowa infrastructure assessment
45 provided in this subsection shall be paid by June 1,
46 2005, which assessment may be offset by the licensee
47 against taxes imposed on the licensee by section
48 99F.11 to the extent of twenty percent of the
49 assessment paid pursuant to this subsection for each
50 of five consecutive fiscal years beginning with the

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1 fiscal year beginning July 1, 2010. The racing and
2 gaming commission shall revoke the license to conduct
3 gambling games of any licensee that fails to pay the
4 2005 rebuild Iowa infrastructure assessment as
5 provided in this subsection.

6 3. a. A 2006 rebuild Iowa infrastructure
7 assessment is imposed at the rate of two and one
8 hundred fifty-two thousandths percent on the estimated
9 adjusted gross receipts amount for each licensee of an
10 excursion gambling boat licensed to conduct gambling
11 games on an excursion gambling boat under chapter 99F
12 as of January 1, 2004. For purposes of this
13 subsection, the estimated adjusted gross receipts
14 amount for a licensee is the amount of adjusted gross
15 receipts from gambling games the revenue estimating
16 conference estimated, as of the most recent meeting of
17 the revenue estimating conference held prior to the
18 effective date of this section of this Act, a facility
19 licensed to conduct gambling games on an excursion
20 gambling boat will receive for the fiscal year
21 beginning July 1, 2004, and ending June 30, 2005.

22 b. The 2006 rebuild Iowa infrastructure assessment
23 provided in this subsection shall be paid by June 1,
24 2006, which assessment may be offset by the licensee
25 against taxes imposed on the licensee by section
26 99F.11 to the extent of twenty percent of the
27 assessment paid pursuant to this subsection for each
28 of five consecutive fiscal years beginning with the
29 fiscal year beginning July 1, 2010. The racing and
30 gaming commission shall revoke the license to conduct
31 gambling games of any licensee that fails to pay the
32 2006 rebuild Iowa infrastructure assessment as
33 provided in this subsection.

34 4. The 2005 and 2006 rebuild Iowa infrastructure
35 assessments imposed by this section shall be deposited
36 in the rebuild Iowa infrastructure fund created in
37 section 8.57.

38 Sec. 64. EFFECTIVE DATE – RETROACTIVE
39 APPLICABILITY.

40 1. The section of this Act amending section 99D.6
41 takes effect April 1, 2004. If this Act is enacted
42 after April 1, 2004, the section of this Act amending
43 section 99D.6, being deemed of immediate importance,
44 takes effect upon enactment and is retroactively
45 applicable to April 1, 2004, and is applicable on and
46 after that date.

47 2. The section of this Act amending section
48 99D.25, subsection 5, takes effect April 1, 2004. If
49 this Act is enacted after April 1, 2004, the section
50 of this Act amending section 99D.25, subsection 5,

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1 being deemed of immediate importance, takes effect
2 upon enactment and is retroactively applicable to
3 April 1, 2004, and is applicable on and after that
4 date.
5 3. The section of this Act amending section 99F.1,
6 subsection 10, being deemed of immediate importance,
7 takes effect upon enactment.
8 4. The section of this Act amending section
9 99F.4A, subsection 8, being deemed of immediate
10 importance, takes effect upon enactment.
11 5. The section of this Act amending section 99F.5,
12 subsection 1, being deemed of immediate importance,
13 takes effect upon enactment.
14 6. The section of this Act amending section 99F.7,
15 subsection 10, paragraph "e", being deemed of
16 immediate importance, takes effect upon enactment and
17 is retroactively applicable to referendums held on or
18 after January 1, 2002.
19 7. The section of this Act requiring a
20 socioeconomic study of gambling, being deemed of
21 immediate importance, takes effect upon enactment.
22 8. The section of this Act establishing transition
23 provisions concerning excursion gambling boat
24 cruising, being deemed of immediate importance, takes
25 effect upon enactment.
26 9. The section of this Act establishing a 2002-
27 2004 racetrack enclosure gambling games tax, being
28 deemed of immediate importance, takes effect upon
29 enactment and is retroactively applicable to July 1,
30 2002, and is applicable on and after that date.
31 10. The section of this Act establishing 2005 and
32 2006 rebuild Iowa infrastructure assessments, being
33 deemed of immediate importance, takes effect upon
34 enactment."
35 2. Title page, by striking lines 3 through 5 and
36 inserting the following: "excursion gambling boats,
37 including pari-mutuel wagering, horse purses and".

Raecker of Polk offered the following amendment [H-8582](#), to the Senate amendment [H-8568](#), filed by him and Carroll of Poweshiek from the floor and moved its adoption:

[H-8582](#)

1 Amend the Senate amendment, [H-8568](#), to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 5, line 41, by striking the word
5 "[feasible](#)" and inserting the following: "[available](#)".

- 6 2. Page 10, by striking line 31 and inserting the
 7 following: "previously certified".
 8 3. Page 17, line 17, by striking the word
 9 "authorized" and inserting the following:
 10 "operational".
 11 4. Page 17, line 50, by striking the word
 12 "feasible" and inserting the following: "available".

Amendment [H-8582](#) was adopted.

Carroll of Poweshiek offered the following amendment [H-8579](#), to the Senate amendment [H-8568](#), filed by him, Van Engelenhoven of Marion, Greiner of Washington, De Boef of Keokuk, Roberts of Carroll, Chambers of O'Brien, Horbach of Tama, Lukan of Dubuque, Alons of Sioux, Hogg of Linn, Reasoner of Union, Stevens of Dickinson, Kramer of Polk, Hahn of Muscatine, Boal of Polk, Boddicker of Cedar and Fallon of Polk from the floor and moved its adoption:

[H-8579](#)

- 1 Amend the Senate amendment, [H-8568](#), to House File
 2 2302, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 6, by inserting after line 7 the
 5 following:
 6 "Sec. ___. NEW SECTION. 99D.9A MORATORIUM.
 7 The commission shall not issue a license to conduct
 8 pari-mutuel wagering at a racetrack pursuant to this
 9 chapter as provided in section 99F.4C."
 10 2. Page 13, by inserting after line 47 the
 11 following:
 12 "Sec. ___. NEW SECTION. 99F.4C MORATORIUM FOR
 13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
 14 MUTUEL WAGERING.
 15 1. Commencing with the effective date of this
 16 section of this Act, the commission shall not issue a
 17 license to conduct pari-mutuel wagering at a racetrack
 18 pursuant to chapter 99D or to conduct gambling games
 19 on an excursion boat or at a pari-mutuel racetrack
 20 pursuant to this chapter. However, this moratorium
 21 shall not apply to the granting of a table games
 22 license as provided by this chapter.
 23 2. This section does not affect the validity of a
 24 license issued by the commission pursuant to chapter
 25 99D or this chapter before the effective date of this
 26 section of this Act or the authority of the commission
 27 to suspend, revoke, transfer, or renew a license
 28 issued before the effective date of this section of

29 this Act pursuant to chapter 99D or this chapter."

30 3. By striking page 20, line 22, through page 21,
31 line 8.

32 4. Page 29, by inserting after line 10 the
33 following:

34 "____. The section of this Act enacting section
35 99F.4C, being deemed of immediate importance, takes
36 effect upon enactment."

37 5. Page 29, by striking lines 35 through 37.

38 6. By renumbering as necessary.

Manternach of Jones in the chair at 12:45 p.m.

Speaker Rants in the chair at 12:47 p.m.

A non-record roll call was requested.

The ayes were 44, nays 54.

Amendment [H-8579](#) lost.

Raecker of Polk offered the following amendment [H-8577](#), to the Senate amendment [H-8568](#), filed by him, Carroll of Poweshiek, Fallon of Polk, Wise of Lee, Jacobs of Polk, Huser of Polk, Petersen of Polk, Oldson of Polk, Kramer of Polk, Murphy of Dubuque, Boal of Polk, Rants of Woodbury and Maddox of Polk, from the floor and moved its adoption:

[H-8577](#)

1 Amend the Senate amendment, [H-8568](#), to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 13, by inserting after line 47 the
5 following:

6 "Sec.____. **NEW SECTION.** 99F.4C GAMBLING GAMES
7 PROHIBITION AREA.

8 1. Notwithstanding any provision of this chapter
9 or chapter 99D to the contrary, the commission shall
10 not grant a license to conduct gambling games to a
11 facility to be located in the applicable area as
12 described in this section.

13 2. For purposes of this section, the "applicable
14 area" means that portion of the city of Des Moines in
15 Polk county bounded by a line commencing at the point
16 East Euclid avenue intersects East Fourteenth street,
17 then proceeding south along East Fourteenth street and
18 Southeast Fourteenth street until it intersects Park

19 avenue, then proceeding west along Park avenue until
20 it intersects Fleur drive, then proceeding north along
21 Fleur drive until it intersects Eighteenth street,
22 then proceeding north along Eighteenth street until it
23 intersects Ingersoll avenue, then proceeding west
24 along Ingersoll avenue until it intersects Martin
25 Luther King Jr. parkway, then proceeding northerly
26 along Martin Luther King Jr. parkway until it
27 intersects Euclid avenue, then proceeding east along
28 Euclid avenue and East Euclid avenue to the point of
29 origin. For purposes of this section, such reference
30 to a street or other boundary means such street or
31 boundary as they were delineated on the official Pub.
32 L. No. 94-171 census maps used for redistricting
33 following the 2000 United States decennial census."
34 2. By renumbering as necessary.

Amendment [H-8577](#) was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-8586](#) to the Senate amendment [H-8568](#), filed by him and Sands of Louisa from the floor.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment [H-8580](#) to the Senate amendment [H-8568](#) filed by him from the floor.

Carroll of Poweshiek offered the following amendment [H-8578](#), to the Senate amendment [H-8568](#), filed by him from the floor and moved its adoption:

[H-8578](#)

1 Amend the Senate amendment, [H-8568](#), to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 26, by inserting after line 8 the
5 following:
6 "Sec. ____ MORATORIUM FOR ISSUANCE OF LICENSES FOR
7 GAMBLING GAMES - REQUIRED FINDINGS FOR WAIVER OF
8 MORATORIUM. Commencing with the effective date of
9 this section of this Act, and notwithstanding any
10 provision of chapter 99F to the contrary, the racing
11 and gaming commission shall not issue any new license
12 to conduct gambling games on an excursion boat or at a
13 pari-mutuel racetrack until the commission, by
14 majority vote of all members of the commission,
15 affirmatively authorizes the awarding of new licenses

16 to conduct gambling games and concurrently adopts
17 written findings that awarding new licenses is
18 justified despite the socioeconomic costs of gambling,
19 if any, as determined by the socioeconomic study of
20 gambling required by this Act. The commission shall
21 not vote to authorize the awarding of new licenses to
22 conduct gambling games until at least thirty days
23 after the legislative council makes the report on the
24 socioeconomic costs of gambling available to the
25 public and the commission."
26 2. Page 29, by inserting after line 21 the
27 following:
28 " _____. The section of this Act establishing a
29 moratorium for issuance of licenses for gambling
30 games, being deemed of immediate importance, takes
31 effect upon enactment."
32 3. By renumbering as necessary.

Amendment [H-8578](#) lost.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8593](#) to the Senate amendment [H-8568](#) filed by her, Oldson of Polk, Ford of Polk, Wise of Lee, Petersen of Polk and Mertz of Kossuth, from the floor.

Raecker of Polk offered the following amendment [H-8592](#), to the Senate amendment [H-8568](#), filed by him and Sands of Louisa from the floor and moved its adoption:

[H-8592](#)

1 Amend the Senate amendment, [H-8568](#), to House File
2 2302, as amended, passed, and reprinted by the House,
3 as follows:
4 1. Page 15, line 15, by striking the words "each
5 agreement" and inserting the following: "agreements
6 subject to commission approval".
7 2. Page 15, line 18, by striking the word
8 "agreement" and inserting the following:
9 "agreements".
10 3. Page 15, lines 22 and 23, by striking the
11 words ", subject to commission approval." and
12 inserting the following: ". Agreements that are
13 subject to commission approval concerning horse purses
14 for a particular period of time beginning on or after
15 January 1, 2006, and ending before January 1, 2021,
16 shall be jointly submitted to the commission for
17 approval."

Amendment [H-8592](#) was adopted.

On motion by Raecker of Polk the House concurred in the Senate amendment [H-8568](#), as amended.

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

On the question "Shall the bill pass?" ([H.F. 2302](#))

The ayes were, 56:

Bell	Berry	Boggess	Bukta
Cohoon	Connors	Dennis	Drake
Eichhorn	Elgin	Ford	Frevert
Gaskill	Gipp	Granzow	Hanson
Hoffman	Hunter	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Lukan	Lykam	Maddox
Manternach	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, S.	Osterhaus
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Sands	Schickel	Shoultz
Struyk	Taylor, T.	Thomas	Tjepkes
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Wendt
Whitead	Winckler	Wise	Mr. Speaker
			Rants

The nays were, 41:

Alons	Arnold	Boal	Boddicker
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	Fallon
Foege	Freeman	Greimann	Greiner
Hahn	Heaton	Heddens	Hogg
Horbach	Huseman	Jacoby	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Mascher	Olson, D.	Paulsen	Reasoner
Roberts	Smith	Stevens	Swaim
Taylor, D.	Tymeson	Van Engelenhoven	Watts
Whitaker			

Absent or not voting, 3:

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

INTRODUCTION OF BILL

House File 2580, by Gipp and Murphy, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **administration and rules**.

SENATE AMENDMENT CONSIDERED

Kramer of Polk called up for consideration **House File 2574**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions, amended by the Senate amendment **H-8566** as follows:

H-8566

- 1 Amend **House File 2574**, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 3, lines 28 and 29, by striking the words
- 4 "of a nonprofit international" and inserting the
- 5 following: "or".
- 6 2. Page 3, line 30, by striking the words
- 7 "promotion of the".
- 8 3. Page 4, line 4, by striking the words "of a
- 9 nonprofit international" and inserting the following:
- 10 "or".
- 11 4. Page 4, line 5, by striking the words
- 12 "promotion of the".
- 13 5. Page 4, line 25, by inserting after the word
- 14 "affiliate" the following: "or organization".
- 15 6. Page 5, line 17, by inserting after the word
- 16 "affiliate" the following: "or organization".
- 17 7. Page 5, line 21, by inserting after the word
- 18 "affiliate" the following: "or organization".
- 19 8. Page 5, line 24, by inserting after the word
- 20 "affiliate" the following: "or organization".
- 21 9. Page 5, line 32, by inserting after the word
- 22 "institution," the following: "nonprofit Iowa
- 23 affiliate or organization".

24 10. By striking page 9, line 21, through page 10,
 25 line 34.
 26 11. Page 11, by striking lines 7 through 16.
 27 12. Page 19, by inserting after line 8, the
 28 following:
 29 "Sec.____. STUDY OF CERTAIN PROPERTY ASSESSMENT
 30 ISSUES.
 31 1. The property tax implementation committee
 32 created in 2003 Iowa Acts, First Extraordinary
 33 Session, chapter 1, [House File 692](#), shall study the
 34 method by which property that is rented or leased to
 35 low-income individuals and families, as authorized by
 36 section 42 of the Internal Revenue Code, is assessed by
 37 for property tax purposes. The committee shall
 38 consider the feasibility of allowing more than one
 39 method of assessment with such method being chosen by
 40 the taxpayer or property owner.
 41 2. The committee shall conduct a separate study of
 42 current statutory provisions on apportionment of costs
 43 relating to a protest of property assessment to the
 44 local board of review and relating to appeals of
 45 decisions of the board of review to district court.
 46 3. The committee shall report to the general
 47 assembly by December 31, 2004. A separate report
 48 shall be prepared for the study required under
 49 subsection 1 and for the study required under
 50 subsection 2. Each report shall contain

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1 recommendations for legislative action."
 2 13. By renumbering, relettering, or redesignating
 3 and correcting internal references as necessary.

Kramer of Polk offered the following amendment [H-8581](#), to the Senate amendment [H-8566](#), filed by him from the floor and moved its adoption:

[H-8581](#)

1 Amend the Senate amendment, [H-8566](#), to House File
 2 2574, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by striking lines 24 and 25.
 5 2. By striking page 1, line 26, through page 2,
 6 line 1, and inserting the following:
 7 "____. Page 11, by striking lines 9 through 16,
 8 and inserting the following:
 9 "1. Notwithstanding section 441.40, where the
 10 court determines the appellant's property was
 11 originally assessed for more than one hundred ten

12 percent of its post-appeal value, the assessor shall
13 pay all reasonable attorney fees and any other
14 reasonably related costs incurred by the appellant.
15 This subsection applies only to appeals relating to
16 assessments on property assessed as residential or
17 agricultural property.
18 2. Notwithstanding section 441.40, where the court
19 determines the appellant's property was originally
20 assessed for more than one hundred twenty percent of
21 its post-appeal value and the court finds that the
22 assessor's position in regard to assessment of the
23 property was not substantially justified, the assessor
24 shall pay all reasonable attorney fees and any other
25 reasonably related costs incurred by the appellant.
26 This subsection applies only to appeals relating to
27 assessments on property assessed as commercial or
28 industrial property."
29 _____. Page 19, by inserting after line 11, the
30 following:
31 "Sec. _____. APPLICABILITY DATE. The section of
32 this Act enacting section 441.40A applies to
33 assessments made in the assessment year beginning
34 January 1, 2005, and in all subsequent assessment
35 years."
36 3. By renumbering as necessary.

Division was requested as follows:

Line 4, Division A.

Lines 5 through 35, Division B.

On motion by Kramer of Polk, amendment [H-8581A](#) to the Senate amendment [H-8566](#), was adopted.

Kramer of Polk moved the adoption of amendment [H-8581B](#) to the Senate amendment [H-8566](#), as amended.

A non-record roll call was requested.

The ayes were 48, nays 21.

Amendment [H-8581B](#) was adopted.

On motion by Kramer of Polk, the House concurred in the Senate amendment [H-8566](#), as amended.

Kramer of Polk moved that the bill, as amended by the Senate and concurred in by the House, be read a last time now and placed upon

its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 2574](#))

The ayes were, 73:

Alons	Bell	Boal	Boddicker
Boggess	Carroll	Chambers	Cohoon
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Foege	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Murphy	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rayhons
Reasoner	Roberts	Sands	Schickel
Shomshor	Stevens	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wise
Mr. Speaker			
Rants			

The nays were, 25:

Arnold	Berry	Bukta	Connors
Fallon	Ford	Frevert	Gaskill
Greimann	Hunter	Jacoby	Jochum
Lensing	Lykam	Mascher	Mertz
Miller	Olson, D.	Osterhaus	Rasmussen
Shoultz	Smith	Taylor, D.	Van Engelenhoven
Winckler			

Absent or not voting, 2:

Baudler Wilderdyke

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2574](#) be immediately messaged to the Senate.

Roberts of Carroll in the chair at 3:48 p.m.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules, for the immediate consideration of [Senate File 2275](#).

Unfinished Business Calendar

[Senate File 2275](#), a bill for an act relating to criminal sentencing practice and procedure, with report of committee recommending amendment and passage, was taken up for consideration.

Maddox of Polk offered the following amendment [H-8328](#) filed by the committee on judiciary and moved its adoption:

[H-8328](#)

1 Amend [Senate File 2275](#), as amended, passed, and
2 reprinted by the Senate as follows:
3 1. Page 1, by striking lines 1 through 27, and
4 inserting the following:
5 "Section 1. Section 902.12, unnumbered paragraph
6 1, Code Supplement 2003, is amended to read as
7 follows:
8 A person serving a sentence for conviction of the
9 following felonies, including a person serving a
10 sentence for conviction of the following felonies
11 prior to July 1, 2003, shall be denied parole or work
12 release unless the person has served at least seven-
13 tenths of the maximum term of the person's sentence:
14 Sec. ____ Section 906.15, unnumbered paragraph 1,
15 Code 2003, is amended to read as follows:
16 Unless sooner discharged, a person released on
17 parole shall be discharged when the person's term of
18 parole equals the period of imprisonment specified in
19 the person's sentence, less all time served in
20 confinement. Discharge from parole may be granted
21 prior to such time, when an early discharge is
22 appropriate. The board shall periodically review all
23 paroles, and when the board determines that any person
24 on parole is able and willing to fulfill the
25 obligations of a law-abiding citizen without further
26 supervision, the board shall discharge the person from
27 parole. A parole officer shall periodically review
28 all paroles assigned to the parole officer, and when
29 the parole officer determines that any person assigned

30 to the officer is able and willing to fulfill the
31 obligations of a law-abiding citizen without further
32 supervision, the officer may discharge the person from
33 parole after notification and approval of the district
34 director and notification of the board of parole. In
35 any event, discharge from parole shall terminate the
36 person's sentence. However, a person convicted of a
37 violation of section 709.3, 709.4 or 709.8 committed
38 on or with a child, or a person serving a sentence
39 under section 902.12, shall not be discharged from
40 parole until the person's term of parole equals the
41 period of imprisonment specified in the person's
42 sentence, less all time served in confinement.
43 Sec.____. Section 915.13, subsection 1, paragraph
44 h, Code Supplement 2003, is amended by striking the
45 paragraph.
46 Sec.____. Section 915.14, Code Supplement 2003, is
47 amended to read as follows:
48 915.14 NOTIFICATION BY CLERK OF THE DISTRICT
49 COURT.
50 The clerk of the district court shall notify a

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1 registered victim of all dispositional orders of the
2 case in which the victim was involved and may advise
3 the victim of any other orders regarding custody or
4 confinement. ~~If a motion to reopen the sentence has
5 been filed pursuant to section 901.5B, the clerk of
6 the district court shall notify a registered victim of
7 the case in which the victim was involved. The notice
8 shall include the scheduled date, time, and place of
9 the hearing, and the clerk shall notify the victim of
10 a cancellation or postponement of any hearing
11 regarding the motion to reopen.~~
12 Sec.____. Section 901.5B, Code Supplement 2003, is
13 repealed."

A non-record roll call was requested.

The ayes were 40, nays 21.

The committee amendment [H-8328](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2275](#))

The ayes were, 54:

Alons	Arnold	Bell	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Elgin	Fallon	Foege
Freeman	Gipp	Greimann	Greiner
Hahn	Hanson	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Jacobs	Jenkins	Jones
Klemme	Kurtenbach	Lalk	Lukan
Maddox	Olson, D.	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Sands	Schickel	Swaim	Taylor, D.
Upmeyer	Van Engelenhoven	Watts	Winckler
Wise	Roberts, Presiding		

The nays were, 43:

Berry	Bukta	Cohoon	Connors
Dandekar	Davitt	Eichhorn	Ford
Frevert	Gaskill	Granzow	Hutter
Jacoby	Jochum	Kramer	Kuhn
Lensing	Lykam	Manternach	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Osterhaus	Petersen	Quirk
Reasoner	Shomshor	Shoultz	Smith
Stevens	Struyk	Taylor, T.	Thomas
Tjepkes	Tymeson	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Whitaker	Whitead	

Absent or not voting, 3:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2275](#) be immediately messaged to the Senate.

Unfinished Business Calendar

[House File 2455](#), a bill for an act establishing covenant marriages and providing an effective date, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment [H-8271](#) filed by him and Smith of Marshall on March 18, 2004, placing out of order amendment [H-8351](#) to amendment [H-8271](#), filed by Hunter of Polk on March 31, 2004.

Carroll of Poweshiek offered amendment [H-8361](#) filed by him as follows:

[H-8361](#)

1 Amend [House File 2455](#) as follows:

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

4 "Section 1. Section 331.605, subsection 6, Code
5 2003, is amended to read as follows:

6 6. For filing an application for the license to
7 marry, thirty-five dollars, which includes payment for
8 one certified copy of the original certificate of
9 marriage, to be issued following filing of the
10 original certificate of marriage, four dollars of
11 which shall be retained by the county pursuant to
12 subsection 5. For issuing an application for an order
13 of the district court authorizing the validation of a
14 license to marry before the expiration of three days
15 from the date of issuance of the license, or for
16 issuing an application for an order of the district
17 court authorizing the issuance of a license to marry
18 without verified completion of premarital education as
19 required by section 595.3, five dollars. The district
20 court shall authorize the early validation of a
21 marriage license or the issuance of a marriage license
22 without completion of required premarital education
23 without the payment of any fees imposed in this
24 subsection upon showing that the applicant is unable
25 to pay the fees.

26 Sec. 2. Section 595.3, Code 2003, is amended by
27 adding the following new subsection:

28 NEW SUBSECTION. 6. Where the parties have not
29 completed at least six hours of premarital education
30 as described in section 595.3B, unless the requirement
31 is waived in accordance with section 595.4.

32 Sec. 3. NEW SECTION. 595.3B APPLICATION –
33 PREMARITAL EDUCATION.

34 1. An application form for a marriage license
35 shall have attached a certificate form to be used by
36 the parties to document completion of the premarital
37 education by the parties as required for the granting
38 of a license to marry pursuant to section 595.3. The
39 certificate shall be completed by the parties and
40 signed by the person who provided the premarital

41 education. The certificate shall be filed with the
42 verified application in accordance with section 595.4.
43 The certificate shall contain all of the following
44 information:
45 a. The name of the person providing the premarital
46 education and the person's signature verifying
47 completion of the premarital education by the parties.
48 b. The number of hours of premarital education
49 completed.
50 2. The premarital education shall be provided only

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1 by any of the following persons:
2 a. A person ordained or designated as the leader
3 of a party's religious faith or the person's designee.
4 b. A person licensed to practice psychology
5 pursuant to chapter 154B.
6 c. A person licensed to practice social work
7 pursuant to chapter 154C.
8 d. A person licensed to practice marital and
9 family therapy pursuant to chapter 154D.
10 Sec. 4. Section 595.4, Code 2003, is amended to
11 read as follows:
12 595.4 AGE AND QUALIFICATION – PREMARITAL
13 EDUCATION – VERIFIED APPLICATION – WAITING PERIOD –
14 EXCEPTION EXCEPTIONS.
15 1. Previous to the issuance of any license to
16 marry, the parties desiring the license shall sign and
17 file a verified application with the county registrar
18 which application either may be mailed to the parties
19 at their request or may be signed by them at the
20 office of the county registrar in the county in which
21 the license is to be issued. The application shall
22 include the social security number of each applicant
23 and shall set forth at least one affidavit of some
24 competent and disinterested person stating the facts
25 as to age and qualification of the parties. The
26 application shall also include the completed
27 certificate of premarital education. Upon the filing
28 of the application for a license to marry, the county
29 registrar shall file the application in a record kept
30 for that purpose and shall take all necessary steps to
31 ensure the confidentiality of the social security
32 number of each applicant. All information included on
33 an application may be provided as mutually agreed upon
34 by the division of records and statistics and the
35 child support recovery unit, including by automated
36 exchange.
37 2. a. Upon receipt of a verified application
38 including the complete certificate of premarital
39 education, the county registrar may issue the license

40 which shall not become valid until the expiration of
41 three days after the date of issuance of the license.
42 If the license has not been issued within six months
43 from the date of the application, the application is
44 void.

45 b. A license to marry may be issued if the
46 verified application does not include a completed
47 certificate of premarital education in cases of
48 emergency, extraordinary circumstances, or for good
49 cause. An order authorizing the issuance of a license
50 may be granted by a judge of the district court under

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1 conditions of emergency, extraordinary circumstances,
2 or for good cause, upon application of the parties
3 filed with the county registrar. An order shall not
4 be granted unless the parties have filed an
5 application for a marriage license in a county within
6 the judicial district. An application for an order
7 shall be made on a form furnished by the county
8 registrar at the same time the verified application
9 for the license to marry is filed. After examining
10 the application for the marriage license, the county
11 registrar shall refer the parties to a judge of the
12 district court for action on the application for an
13 order authorizing the issuance of a marriage license
14 without verified completion of the required premarital
15 education. The judge shall, if satisfied as to the
16 existence of emergency, extraordinary circumstances,
17 or good cause, grant such an order. The county
18 registrar shall issue a license to marry upon
19 presentation by the parties of the order authorizing
20 such issuance. A fee of five dollars shall be paid to
21 the county registrar at the time the application for
22 the order is made, which fee is in addition to the fee
23 prescribed by law for the issuance of a marriage
24 license.

25 3. A license to marry may be validated prior to
26 the expiration of three days from the date of issuance
27 of the license in cases of emergency or extraordinary
28 circumstances. An order authorizing the validation of
29 a license may be granted by a judge of the district
30 court under conditions of emergency or extraordinary
31 circumstances upon application of the parties filed
32 with the county registrar. No order may be granted
33 unless the parties have filed an application for a
34 marriage license in a county within the judicial
35 district. An application for an order shall be made
36 on forms furnished by the county registrar at the same
37 time the application for the license to marry is made.
38 After examining the application for the marriage

39 license and issuing the license, the county registrar
40 shall refer the parties to a judge of the district
41 court for action on the application for an order
42 authorizing the validation of a marriage license prior
43 to expiration of three days from the date of issuance
44 of the license. The judge shall, if satisfied as to
45 the existence of an emergency or extraordinary
46 circumstances, grant an order authorizing the
47 validation of a license to marry prior to the
48 expiration of three days from the date of issuance of
49 the license to marry. The county registrar shall
50 validate a license to marry upon presentation by the

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1 parties of the order authorizing a license to be
2 validated. A fee of five dollars shall be paid to the
3 county registrar at the time the application for the
4 order is made, which fee is in addition to the fee
5 prescribed by law for the issuance of a marriage
6 license.

7 Sec. 5. NEW SECTION. 598.7B PARENTING PLANS.

8 1. Beginning October 1, 2004, the parties to a
9 petition for dissolution of marriage, annulment, or
10 separate maintenance that involves minor children or
11 to an application for a motion to modify an order
12 involving custody or visitation shall submit a
13 proposed parenting plan, either individually or
14 jointly, within thirty days after the service of
15 process of the petition for dissolution of marriage,
16 annulment, or separate maintenance, or the application
17 for a motion to modify an order involving custody or
18 visitation. The proposed parenting plan shall specify
19 the arrangements that the party believes to be in the
20 best interest of any minor child and shall specify
21 other details as required by rules prescribed by the
22 supreme court.

23 2. The supreme court shall prescribe rules no
24 later than September 1, 2004, establishing guidelines
25 for a parenting plan form which may be used by the
26 parties in any dissolution of marriage, annulment,
27 legal separation, or modification proceeding involving
28 the issues of custody and visitation. Beginning
29 September 1, 2004, the clerk of the district court
30 shall furnish parenting plan forms to the parties in a
31 dissolution of marriage, annulment, or separate
32 maintenance action or modification proceeding
33 involving custody or visitation, without cost to the
34 parties.

35 Sec. 6. EFFECTIVE DATE. The provision of the
36 section of this Act enacting section 598.7B that
37 directs the supreme court to prescribe rules regarding

38 the guidelines for parenting plans, being deemed of
39 immediate importance, takes effect upon enactment."
40 2. Title page, line 1, by striking the words
41 "covenant marriages" and inserting the following:
42 "marriage and domestic relations requirements".

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8557](#) to amendment [H-8361](#) filed by him and Upmeyer of Hancock on April 14, 2004.

Smith of Marshall offered the following amendment [H-8547](#), to amendment [H-8361](#), filed by him and Upmeyer of Hancock and moved its adoption:

[H-8547](#)

1 Amend the amendment, [H-8361](#), to [House File 2455](#) as
2 follows:
3 1. By striking page 1, line 2, through page 4,
4 line 6, and inserting the following:
5 "____. By striking everything after the enacting
6 clause and inserting the following:
7 "Section 1. Section 331.605, subsection 6, Code
8 2003, is amended to read as follows:
9 6. For filing an application for the license to
10 marry, thirty-five dollars, which includes payment for
11 one certified copy of the original certificate of
12 marriage, to be issued following filing of the
13 original certificate of marriage, four dollars of
14 which shall be retained by the county pursuant to
15 subsection 5. For issuing an application for an order
16 of the district court authorizing the validation of a
17 license to marry before the expiration of ~~three~~ the
18 number of days specified in section 595.4, from the
19 date of issuance of the license, five dollars. The
20 district court shall authorize the early validation of
21 a marriage license without the payment of any fees
22 imposed in this subsection upon showing that the
23 applicant is unable to pay the fees.
24 Sec. 2. NEW SECTION. 595.3B APPLICATION –
25 PREMARITAL EDUCATION.
26 1. An application form for a marriage license
27 shall have attached a certificate form to be used by
28 the parties to document completion of premarital
29 education by the parties. The certificate shall be
30 completed by the parties and signed by the person who
31 provided the premarital education. The certificate
32 shall be filed with the verified application in
33 accordance with section 595.4. The certificate form
34 shall require provision of all of the following

35 information:

36 a. The name of the person providing the premarital
37 education and the person's signature verifying
38 completion of the premarital education by the parties.

39 b. The number of hours of premarital education
40 completed.

41 2. Only premarital education provided by the
42 following persons shall be accepted to document
43 completion under this section:

44 a. A person ordained or designated as a leader of
45 a party's religious faith or the person's designee.

46 b. A person licensed to practice psychology
47 pursuant to chapter 154B.

48 c. A person licensed to practice social work as a
49 licensed master social worker or a licensed
50 independent social worker pursuant to chapter 154C.

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1 d. A person licensed to practice marital and
2 family therapy or mental health counseling pursuant to
3 chapter 154D.

4 e. An advanced registered nurse practitioner
5 licensed pursuant to chapter 152 who specializes in
6 adult psychiatric services.

7 Sec. 3. Section 595.4, Code 2003, is amended to
8 read as follows:

9 595.4 AGE AND QUALIFICATION – VERIFIED
10 APPLICATION – WAITING PERIOD – ~~EXCEPTION~~ EXCEPTIONS.

11 1. Previous ~~Prior~~ to the issuance of any license
12 to marry, the parties desiring the license shall sign
13 and file a verified application with the county
14 registrar which application either may be mailed to
15 the parties at their request or may be signed by them
16 at the office of the county registrar in the county in
17 which the license is to be issued. The application
18 shall include the social security number of each
19 applicant and shall set forth at least one affidavit
20 of some competent and disinterested person stating the
21 facts as to age and qualification of the parties.
22 Upon the filing of the application for a license to
23 marry, the county registrar shall file the application
24 in a record kept for that purpose and shall take all
25 necessary steps to ensure the confidentiality of the
26 social security number of each applicant. All
27 information included on an application may be provided
28 as mutually agreed upon by the division of records and
29 statistics and the child support recovery unit,
30 including by automated exchange.

31 2. Upon receipt of a verified application, the
32 county registrar may issue the license ~~which shall not~~
33 ~~become valid until the expiration of three days after~~

34 ~~the date of issuance of the license.~~ If the license
35 has not been issued within six months from the date of
36 the application, the application is void.

37 3. A license issued under subsection 2 shall
38 become valid as follows:

39 a. If the parties desiring the license have
40 participated in premarital education and submit
41 documentation verifying completion of premarital
42 education in accordance with section 595.3B, the
43 license shall become valid upon the expiration of
44 three days after the date of issuance of the license.

45 b. If the parties desiring the license have not
46 participated in premarital education or do not submit
47 documentation verifying completion of premarital
48 education in accordance with section 595.3B, the
49 license shall not become valid until the expiration of
50 twenty days after the date of issuance of the license.

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1 4. A license to marry may be validated prior to
2 the expiration of ~~three~~ the number of days specified
3 in subsection 3 from the date of issuance of the
4 license in cases of emergency or extraordinary
5 circumstances. An order authorizing the validation of
6 a license may be granted by a judge of the district
7 court under conditions of emergency or extraordinary
8 circumstances upon application of the parties filed
9 with the county registrar. ~~No~~ An order ~~may~~ shall not
10 be granted unless the parties have filed an
11 application for a marriage license in a county within
12 the judicial district. An application for an order
13 shall be made on forms furnished by the county
14 registrar at the same time the application for the
15 license to marry is made. After examining the
16 application for the marriage license and issuing the
17 license, the county registrar shall refer the parties
18 to a judge of the district court for action on the
19 application for an order authorizing the validation of
20 a marriage license prior to expiration of ~~three~~ the
21 number of days specified in subsection 3 from the date
22 of issuance of the license. The judge shall, if
23 satisfied as to the existence of an emergency or
24 extraordinary circumstances, grant an order
25 authorizing the validation of a license to marry prior
26 to the expiration of ~~three~~ the number of days
27 specified in subsection 3 from the date of issuance of
28 the license to marry. The county registrar shall
29 validate a license to marry upon presentation by the
30 parties of the order authorizing a license to be
31 validated. A fee of five dollars shall be paid to the
32 county registrar at the time the application for the

33 order is made, which fee is in addition to the fee
 34 prescribed by law for the issuance of a marriage
 35 license."
 36 2. By renumbering as necessary.

Amendment [H-8547](#) was adopted, placing out of order amendment [H-8449](#) to amendment [H-8361](#) filed by Carroll of Poweshiek and Jacobs of Polk on April 8, 2004.

On motion by Carroll of Poweshiek, amendment [H-8361](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2455](#))

The ayes were, 77:

Alons	Arnold	Bell	Berry
Boal	Boddicker	Boggess	Carroll
Chambers	Cohoon	Connors	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greimann
Greiner	Hahn	Hanson	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lukan	Maddox	Manternach	McCarthy
Mertz	Olson, S.	Paulsen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Sands	Schickel	Smith	Stevens
Struyk	Swaim	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wise
Roberts, Presiding			

The nays were, 20:

Bukta	Heddens	Jochum	Lensing
Lykam	Mascher	Miller	Murphy
Oldson	Olson, D.	Osterhaus	Petersen
Reasoner	Shomshor	Shoultz	Taylor, D.
Taylor, T.	Tjepkes	Whitead	Winckler

Absent or not voting, 3:

Baudler Fallon Wilderdyke

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2573](#), a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2579](#), a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 2188](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 2188](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2455](#) be immediately messaged to the Senate.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [Senate File 2306](#).

Senate File 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2306](#))

The ayes were, 95:

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

The nays were, none.

Absent or not voting, 5:

Baudler	Boal	Fallon	Hogg
Wilderdyke			

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 2306](#) be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 5:17 p.m., until 7:15 p.m.

EVENING SESSION

The House reconvened at 8:27 p.m., Speaker pro tempore Carroll in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 15, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 250](#), a bill for an act relating to the criminal penalties for an assault on members of certain occupations.

Also: That the Senate has on April 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2231](#), a bill for an act relating to the release of sex offender registry records, and providing an effective date.

Also: That the Senate has on April 15, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2577](#), a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Also: That the Senate has on April 15, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 105](#), a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2308](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of

the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Also: That the Senate has on April 15, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2309](#), a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 2308](#), by Iverson and Gronstal, a bill for an act relating to the number of days of payment for expenses of office for members for the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

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

[Senate File 2309](#), by committee on appropriations, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

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

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [House File 2578](#).

CONSIDERATION OF BILLS

Appropriations Calendar

[House File 2578](#), a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, road use tax fund, and primary road fund, and making related and corrective changes and providing effective dates, was taken up for consideration.

Huseman of Cherokee asked and received unanimous consent that amendment [H-8601](#) be deferred.

Kuhn of Floyd offered the following amendment [H-8571](#) filed by him and Mertz of Kossuth from the floor and moved its adoption:

[H-8571](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following:
- 4 "____. DEPARTMENT OF AGRICULTURE AND LAND
- 5 STEWARDSHIP.
- 6 For deposit in the alternative drainage system
- 7 assistance fund created in section 460.303 to be used
- 8 for purposes of supporting the alternative drainage
- 9 system assistance program as provided in section
- 10 460.304, notwithstanding section 8.57, subsection 5,
- 11 paragraph "c":
- 12 FY 2004-2005 \$ 500,000
- 13 Not more than 5 percent of the moneys appropriated
- 14 in this subsection may be used for costs of
- 15 administration and implementation of soil and water
- 16 conservation practices."
- 17 2. By renumbering as necessary.

Amendment [H-8571](#) lost.

Miller of Webster offered the following amendment [H-8600](#) filed by her from the floor and moved its adoption:

[H-8600](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 2, line 25, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 2, by inserting after line 28 the
- 5 following:
- 6 "b. For the second judicial district department of
- 7 correctional services to support the facility located
- 8 in Fort Dodge:
- 9 \$ 300,000"
- 10 2. By renumbering as necessary.

Amendment [H-8600](#) lost.

Boal of Polk asked and received unanimous consent to withdraw amendment [H-8576](#) filed by her from the floor.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-8594](#) filed by him and Whitead of Woodbury from the floor.

Shomshor of Pottawattamie offered the following amendment [H-8596](#) filed by him and Struyk of Pottawattamie from the floor and moved its adoption:

[H-8596](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 2, line 30, by inserting before the word
 3 "For" the following: "a."
 4 2. Page 2, line 35, by striking the word
 5 "subsection" and inserting the following: "lettered
 6 paragraph".
 7 3. Page 3, by inserting after line 5 the
 8 following:
 9 "b. For a grant to the city of Council Bluffs to
 10 be used to support the 28th avenue neighborhood
 11 improvement project for the redevelopment of 30
 12 moderate valuation homes, notwithstanding section
 13 8.57, subsection 5, paragraph "c":
 14 \$ 300,000
 15 The grant requirements shall provide for the city
 16 to draw as much federal funding as is available for
 17 purposes of the project."

Amendment [H-8596](#) lost.

Huseman of Cherokee offered the following amendment [H-8603](#) filed by him from the floor and moved its adoption:

[H-8603](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 3, line 26, by inserting after the word
 3 "disorders" the following: "located in a central Iowa
 4 county with a population of approximately 80,000".
 5 2. Page 5, by striking lines 1 through 4 and
 6 inserting the following:
 7 "b. To develop a capitol complex card access
 8 system, or expand the current capitol building card
 9 access system, through a competitive process, in order
 10 to provide a card access system for the buildings and
 11 controlled-access parking lots on the capitol complex
 12 that has complex-wide compatibility, notwithstanding
 13 section 8.57, subsection 5, paragraph "c":
 14 3. Page 12, by striking lines 14 through 17.

15 4. Page 18, by striking lines 12 through 14 and
 16 inserting the following: "develop a capitol complex
 17 card access system, or expand the current capitol
 18 building card access system, through a competitive
 19 process, in order to provide a card access system for
 20 the buildings and controlled-access parking lots on
 21 the capitol complex that has complex-wide
 22 compatibility."

23 5. Page 18, line 23, by striking the word
 24 "subsection" and inserting the following: "lettered
 25 paragraph".

26 6. By striking page 20, line 34, through page 21,
 27 line 1 and inserting the following: "balance of the
 28 loan granted by the corporation to an eligible person
 29 and assigned to the department pursuant to this
 30 subparagraph during calendar year 2003, whether".

31 7. Page 22, by inserting after line 19 the
 32 following:

33 "Sec.____. Section 35A.2, subsection 2, Code 2003,
 34 as amended by 2004 Iowa Acts, [Senate File 2298](#), if
 35 enacted, is amended to read as follows:

36 2. ~~Six~~ Eight commissioners shall be honorably
 37 discharged members of the armed forces of the United
 38 States. The American legion of Iowa, disabled
 39 American veterans department of Iowa, veterans of
 40 foreign wars department of Iowa, American veterans of
 41 World War II, Korea, and Vietnam, the Vietnam veterans
 42 of America, and the military order of the purple
 43 heart, through their department commanders, shall
 44 submit two names respectively from their organizations
 45 to the governor. The adjutant general and the Iowa
 46 affiliate of the reserve officers association shall
 47 submit names to the governor of persons to represent
 48 the Iowa national guard and the association. The
 49 governor shall appoint from the group of names
 50 submitted by the adjutant general and reserve officers

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1 association two representatives and from each of the
 2 other organizations one representative to serve as a
 3 member of the commission, unless the appointments
 4 would conflict with the bipartisan and gender balance
 5 provisions of sections 69.16 and 69.16A. In addition,
 6 the governor shall appoint ~~three members~~ one member of
 7 the public, knowledgeable in the general field of
 8 veterans affairs, to serve on the commission.

9 Sec.____. Section 35D.13, subsection 2, Code 2003,
 10 as amended by 2004 Iowa Acts, [Senate File 2298](#), if
 11 enacted, is amended to read as follows:

12 2. The commandant shall be a resident of the state
 13 of Iowa who served in the armed forces of the United

14 ~~States and was honorably discharged, and is~~ a licensed
15 nursing home administrator."

16 8. By striking page 22, line 20, through page 23,
17 line 22.

18 9. Page 23, by inserting before line 23, the
19 following:

20 "Sec. ____ Section 165B.5, subsection 3, if
21 enacted by 2004 Iowa Acts, [House File 2476](#), section 6,
22 is amended to read as follows:

23 3. a. A person who owns or operates a restricted
24 concentration point is subject to a civil penalty of
25 ~~not less than~~ five thousand dollars for the first
26 violation and ~~not less than~~ twenty-five thousand
27 dollars for each subsequent violation. Each day that
28 a violation continues constitutes a separate
29 violation.

30 b. A person who has a legal interest in infected
31 poultry or has custody of infected poultry which are
32 located at a restricted concentration point is subject
33 to a civil penalty of ~~not less than~~ five thousand
34 dollars for the first violation and ~~not less than~~
35 twenty-five thousand dollars for each subsequent
36 violation. Each day that a violation continues
37 constitutes a separate violation.

38 c. A person who transports poultry to or from a
39 restricted concentration point is subject to a civil
40 penalty of ~~not less than~~ one thousand dollars for the
41 first violation and ~~not less than~~ five thousand
42 dollars for each subsequent violation. Each day that
43 a violation continues constitutes a separate
44 violation.

45 d. A person who purchases, offers to purchase,
46 barter, or offers to barter for poultry at a
47 restricted concentration point is subject to a civil
48 penalty of ~~not less than~~ one hundred dollars for the
49 first violation and ~~not less than~~ one thousand dollars
50 for each subsequent violation. Each day that a

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1 violation continues constitutes a separate violation.

2 e. A person who charges admission for entry into a
3 restricted concentration point where a contest occurs
4 or otherwise holds, advertises, or conducts the
5 contest is subject to a civil penalty of ~~not less than~~
6 one thousand dollars for the first violation and ~~not~~
7 ~~less than~~ five thousand dollars for each subsequent
8 violation. Each day that a violation continues
9 constitutes a separate violation.

10 f. A person who attends or participates in a
11 contest at a restricted concentration point where a
12 contest occurs is subject to a civil penalty of ~~not~~

13 ~~less than~~ one hundred dollars for the first violation
14 and ~~not less than~~ one thousand dollars for each
15 subsequent violation. Each day that a violation
16 continues constitutes a separate violation."

17 10. Page 24, by inserting after line 28 the
18 following:

19 "Sec. ___. Section 331.362, subsection 5, Code
20 Supplement 2003, is amended to read as follows:

21 5. The board may enter into agreements with the
22 department of transportation as provided in section
23 313.2, including but not limited to agreements for the
24 disposition of county property in accordance with
25 section 331.361, subsection 2."

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

28 "Sec. ___. Section 34A.7A, subsection 2, paragraph
29 f, if enacted by 2004 Iowa Acts, [House File 2434](#), is
30 amended by striking the paragraph and inserting in
31 lieu thereof the following:

32 f. (1) The program manager shall allocate an
33 amount up to one hundred twenty-seven thousand dollars
34 per calendar quarter equally to the joint E911 service
35 boards and the department of public safety that have
36 submitted an annual written request to the program
37 manager in a form approved by the program manager by
38 May 15 of each year.

39 (2) Upon retirement of outstanding obligations
40 referred to in paragraph "e", the amount allocated
41 under this paragraph "f" shall be an amount up to four
42 hundred thousand dollars per calendar quarter
43 allocated as follows:

44 (a) Sixty-five percent of the total dollars
45 available for allocation shall be allocated in
46 proportion to the square miles of the service area to
47 the total square miles in this state.

48 (b) Thirty-five percent of the total dollars
49 available for allocation shall be allocated in
50 proportion to the wireless E911 calls taken at the

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1 public safety answering point in the service area to
2 the total number of wireless E911 calls originating in
3 this state.

4 (c) Notwithstanding subparagraph subdivisions (a)
5 and (b), the minimum amount allocated to each joint
6 E911 service board and to the department of public
7 safety shall be no less than one thousand dollars for
8 each public safety answering point within the service
9 area of the department of public safety or joint E911
10 service board.

11 (3) The funds allocated in this paragraph "f"

12 shall be used for communication equipment located
13 inside the public safety answering points for the
14 implementation and maintenance of wireless E911 phase
15 2. The joint E911 service boards and the department
16 of public safety shall provide an estimate of phase 2
17 implementation costs to the program manager by January
18 1, 2005."

19 12. Page 27, by inserting before line 5 the
20 following:

21 "Sec. ____ Section 48A.11, subsection 1, paragraph
22 e, Code 2003, as amended by 2004 Iowa Acts, Senate
23 File 2269, section 8, if enacted, is amended to read
24 as follows:

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

36 Sec. ____ Section 48A.25A, unnumbered paragraph 1,
37 if enacted by 2004 Iowa Acts, [Senate File 2269](#),
38 section 13, is amended to read as follows:

39 Upon receipt of an application for voter
40 registration by mail, the state registrar of voters
41 shall compare the driver's license number, the Iowa
42 nonoperator's identification card number, or the last
43 four numerals of the social security number provided
44 by the registrant with the records of the state
45 department of transportation. To be verified, the
46 voter registration record shall contain the same name,
47 date of birth, and driver's license number or Iowa
48 nonoperator's identification card number or whole or
49 partial social security number as the records of the
50 department of transportation. If the information

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1 cannot be verified, the application shall be rejected
2 and the registrant shall be notified of the reason for
3 the rejection. If the information can be verified, a
4 record shall be made of the verification and the
5 application shall be accepted.

6 Sec. ____ Section 48A.37, subsection 2, Code 2003,
7 as amended by 2004 Iowa Acts, [Senate File 2269](#),
8 section 18, if enacted, is amended to read as follows:

9 2. Electronic records shall include a status code
10 designating whether the records are active, inactive,

11 local, or pending. Inactive records are records of
12 registered voters to whom notices have been sent
13 pursuant to section 48A.28, subsection 3, and who have
14 not returned the card or otherwise responded to the
15 notice, and those records have been designated
16 inactive pursuant to section 48A.29. Local records
17 are records of applicants who did not answer either
18 "yes" or "no" to the question in section 48A.11,
19 subsection 2A, paragraph "a". Pending records are
20 records of applicants whose applications have not been
21 verified pursuant to section 48A.25A. All other
22 records are active records. An inactive record shall
23 be made active when the registered voter votes at an
24 election, registers again, or reports a change of
25 name, address, telephone number, or political party
26 affiliation. A pending record shall be made active
27 upon verification. A local record shall be valid for
28 any election for which no candidates for federal
29 office appear on the ballot, ~~but the~~ A registrant
30 ~~may with only a local record shall~~ not vote in a
31 federal election unless the registrant submits a new
32 voter registration application before election day
33 indicating that the applicant is a citizen of the
34 United States.

35 Sec. __. Section 49.81, subsection 2, unnumbered
36 paragraph 3, if enacted by 2004 Iowa Acts, Senate File
37 2269, section 20, is amended to read as follows:

38 You must show identification before your ballot can
39 be counted. Please bring or mail a copy of a current
40 and valid photo identification card to the county
41 ~~commissioners~~ commissioner's office or bring or mail a
42 copy of one of the following current documents that
43 show your name and address:

44 Sec. __. Section 52.7, unnumbered paragraph 4,
45 Code 2003, as amended by 2004 Iowa Acts, Senate File
46 2269, section 27, if enacted, is amended to read as
47 follows:

48 Such machine shall be so constructed as to
49 accurately account for every vote cast upon it. The
50 machine shall be so constructed as to remove

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1 information from the ballot identifying the voter
2 before the ballot is recorded and counted. If the
3 machine is a direct ~~electronic~~ recording electronic
4 device, the machine shall be so constructed as to
5 store each ballot cast separate from the ballot
6 tabulation function, which ballot may be reproduced on
7 paper in the case of a recount, manual audit, or
8 machine malfunction.

9 Sec. __. Section 53.3, subsection 7, if enacted

10 by 2004 Iowa Acts, [Senate File 2269](#), section 30, is
11 amended to read as follows:

12 7. A statement that an absentee ballot will ~~by~~ be
13 mailed to the applicant within twenty-four hours after
14 the ballot for the election is available.

15 Sec. ____ Section 53.17, subsection 1, paragraph
16 a, if enacted by 2004 Iowa Acts, [Senate File 2269](#),
17 section 33, is amended to read as follows:

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

27 Sec. ____ Section 53.17, subsection 4, paragraph
28 d, subparagraph (2), if enacted by 2004 Iowa Acts,
29 [Senate File 2269](#), section 33, is amended to read as
30 follows:

31 (2) The date and time the ~~voted~~ completed absentee
32 ballot was received from the voter."

33 13. Page 36, by inserting after line 6 the
34 following:

35 "Sec. ____ 2004 Iowa Acts, [House File 2562](#),
36 section 10, subsection 2, if enacted, is amended to
37 read as follows:

38 2. On and after July 1, 2005, an owner of an
39 electrical and mechanical amusement device as
40 described in subsection 1 shall not offer the device
41 for use by the public. However, the owner of a device
42 shall be permitted to sell the device to a
43 distributor, as defined in section 99B.1, as amended
44 by this Act, or to a person authorized to offer the
45 device to the public pursuant to section 99B.10,
46 subsection 4, as amended by this Act for which a class
47 "A", class "B", class "C", or class "D" liquor control
48 license ~~or class "B" or class "C" beer permit~~ has been
49 issued pursuant to chapter 123."

50 14. Page 36, by inserting after line 13 the

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1 following:

2 "Sec. ____ 2004 Iowa Acts, [Senate File 2282](#),

3 section 1, if enacted, is amended to read as follows:

4 SECTION 1. LOESS HILLS STUDY AND REPORT. The
5 loess hills development and conservation authority, in
6 consultation with the state advisory board for
7 preserves, shall conduct a comprehensive study to
8 determine the archaeological and paleontological

9 significance and the significance of the flora and
 10 fauna of the loess hills and to determine the
 11 feasibility of designating land in the loess hills for
 12 dedication as a state native prairie preserve and of
 13 other various uses of the loess hills. The ~~natural~~
 14 ~~resource commission~~ loess hills development and
 15 conservation authority may accept gifts, grants,
 16 bequests, and other private contributions, as well as
 17 federal, state, or local funds for the purposes of
 18 conducting the study. The loess hills development and
 19 conservation authority and the state advisory board
 20 for preserves shall file a joint report containing
 21 their findings and recommendations with the
 22 legislative services agency by December 15, 2006, for
 23 distribution to the general assembly."
 24 15. By renumbering as necessary.

Amendment [H-8603](#) was adopted.

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-8588](#) be deferred.

Petersen of Polk offered the following amendment [H-8599](#) filed by her, Hogg of Linn, Fallon of Polk, Oldson of Polk, McCarthy of Polk, Smith of Marshall and Bell of Jasper from the floor and moved its adoption:

[H-8599](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 6, by inserting after line 9 the
 3 following:
 4 "____. For acquiring, constructing, and improving
 5 recreational trails within the state:
 6 FY 2004-2005 \$ 1,000,000
 7 Priority in expending the amount appropriated in
 8 this lettered paragraph shall be given to projects
 9 involving bicycle trails, bicycle lanes, and bicycle
 10 facilities."
 11 2. By renumbering as necessary.

Amendment [H-8599](#) lost.

Cohon of Des Moines offered the following amendment [H-8605](#) filed by him and D. Olson of Boone from the floor and moved its adoption:

[H-8605](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 6, by inserting after line 9 the
- 3 following:
- 4 "____. For establishment of a revolving fund for
- 5 provision of loan guarantee or credit risk premium
- 6 assistance for Iowa-based federal railroad
- 7 administration classified class I and class II
- 8 railroads:
- 9 \$ 100,000
- 10 Loan guarantees or credit risk premium assistance
- 11 made from the fund shall be used to support
- 12 applications to the federal railroad rehabilitation
- 13 and improvement financing program by such classified
- 14 railroads."
- 15 2. By renumbering as necessary.

Amendment [H-8605](#) lost.

Cohoon of Des Moines asked and received unanimous consent that amendment [H-8590](#) be deferred.

Thomas of Clayton offered the following amendment [H-8569](#) filed by Thomas, et al., and moved its adoption:

[H-8569](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 13, by inserting after line 6 the
- 3 following:
- 4 "i. To provide grants to watershed organizations
- 5 for watershed-based water quality planning,
- 6 restoration, and improvement activities, with an
- 7 emphasis on geographical information system-based
- 8 activities, targeting the best management practices
- 9 and implementation:
- 10 \$ 2,000,000
- 11 j. For the development of a nutrient research
- 12 grant program:
- 13 \$ 500,000
- 14 k. To develop and implement a voluntary nutrient
- 15 reduction project to improve efficiency and reduce
- 16 impacts of nutrients on the waters of the state:
- 17 \$ 555,000"
- 18 2. Page 13, line 21, by inserting after the word
- 19 "stations" the following: "and for more detailed
- 20 monitoring and investigation of waters with suspected
- 21 impairments".
- 22 3. Page 13, line 22, by striking the figure

23 "2,955,000" and inserting the following: "3,500,000".
 24 4. Page 14, by inserting after line 18 the
 25 following:
 26 "i. For implementation of the total maximum daily
 27 load program to meet statutory time frames and to
 28 include stakeholders' involvement in the process:
 29 \$ 800,000
 30 j. For the development and implementation of a
 31 comprehensive stormwater management program:
 32 \$ 200,000
 33 k. To implement a plan to establish numeric
 34 standards for nitrogen and phosphorus by July 2006,
 35 involving all stakeholders in the process:
 36 \$ 200,000
 37 4. STATE BOARD OF REGENTS
 38 For allocation to Iowa state university of science
 39 and technology to update nitrogen management
 40 recommendations by December 1, 2005, to emphasize
 41 efficiency of use and environmental protection:
 42 \$ 200,000"
 43 5. By renumbering, redesignating, and correcting
 44 internal references as necessary.

A non-record roll call was requested.

The ayes were 44, nays 49.

Amendment [H-8569](#) lost.

Rayhons of Hancock asked and received unanimous consent to withdraw amendment [H-8559](#) filed by Rayhons, et al., on April 14, 2004.

Swaim of Davis offered amendment [H-8597](#) filed by him, Whitaker of Van Buren and Arnold of Lucas from the floor as follows:

[H-8597](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 15, by striking lines 16 and 17 and
 3 inserting the following: "agencies for the designated
 4 fiscal years, the following amounts, or so much".
 5 2. Page 15, by striking line 25 and inserting the
 6 following:
 7 "FY 2004-2005..... \$ 3,049,284
 8 FY 2005-2006 \$ 3,000,000"
 9 3. Page 15, by striking line 27 and inserting the
 10 following:
 11 "FY 2004-2005..... \$ 3,000,000

12 ____ DEPARTMENT OF NATURAL RESOURCES
 13 For costs associated with the planning and design
 14 of a premier destination park:
 15 FY 2004-2005..... \$ 3,000,000"
 16 4. By renumbering as necessary.

Swaim of Davis offered the following amendment [H-8613](#), to amendment [H-8597](#), filed by him from the floor and moved its adoption:

[H-8613](#)

1 Amend the amendment, [H-8597](#), to [House File 2578](#) as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 "____. Page 2, by inserting after line 16 the
 6 following:
 7 "____. For the payment of claims relating to the
 8 purchase and implementation of an integrated
 9 information system for Iowa system, notwithstanding
 10 section 8.57, subsection 5, paragraph "c":
 11 FY 2005-2006 \$ 3,000,000"
 12 2. Page 1, by striking line 8.
 13 3. By renumbering as necessary.

Amendment [H-8613](#) was adopted.

On motion by Swaim of Davis amendment [H-8597](#), as amended, lost.

Jacobs of Polk offered the following amendment [H-8595](#) filed by her from the floor and moved its adoption:

[H-8595](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 18, by inserting after line 28 the
 3 following:
 4 "Sec.____. HELP AMERICA VOTE ACT. There is
 5 appropriated from the general fund of the state to the
 6 office of the secretary of state for the fiscal year
 7 beginning July 1, 2003, and ending June 30, 2004, the
 8 following amount, or so much thereof as is necessary,
 9 to be used for the purposes designated:
 10 For the purchase and installation of voting
 11 machines to implement the federal Help America Vote
 12 Act (HAVA):
 13 \$ 765,000

14 Of the federal funds drawn down pursuant to HAVA,
 15 not less than 80 percent shall be distributed to
 16 counties for the implementation of that Act.

17 The state commissioner of elections shall report to
 18 the general assembly regarding the expenditure of the
 19 moneys appropriated in this subsection by January 2,
 20 2005, and July 1, 2005.

21 Notwithstanding section 8.33, moneys appropriated
 22 in this section that remain unencumbered or
 23 unobligated at the close of the fiscal year shall not
 24 revert but shall remain available for expenditure for
 25 the purposes designated until the close of the
 26 succeeding fiscal year."

27 2. Page 20, line 7, by striking the word and
 28 figure "Section 27" and inserting the following:

29 "1. The section of this division of this Act
 30 providing an appropriation for implementation of the
 31 federal Help America Vote Act, being deemed of
 32 immediate importance, takes effect upon enactment.

33 2. The section".

34 3. By renumbering as necessary.

Amendment [H-8595](#) was adopted.

Raecker of Polk offered the following amendment [H-8551](#) filed by
 Eichhorn of Hamilton and moved its adoption:

[H-8551](#)

1 Amend [House File 2578](#) as follows:

2 1. Page 18, line 29, by striking the words "There
 3 is".

4 2. Page 18, line 30, by inserting before the word
 5 "appropriated" the following:

6 "1. There is".

7 3. Page 19, by inserting after line 2 the
 8 following:

9 "2. There is appropriated from the general fund of
 10 the state to the racing and gaming commission within
 11 the department of inspections and appeals for the
 12 fiscal year beginning July 1, 2004, and ending June
 13 30, 2005, in addition to any other appropriation made
 14 by the general assembly, the following amount, or so
 15 much thereof as is necessary, to be used for the
 16 purposes designated:

17 For salaries, support, maintenance, and
 18 miscellaneous purposes for the regulation of pari-
 19 mutual racetracks:

20 \$ 217,161"

21 The funds appropriated in this subsection shall be
 22 used for one additional gaming representative at each

23 of the three licensed racetracks."
 24 4. By renumbering, redesignating, and correcting
 25 internal references as necessary.

Amendment [H-8551](#) was adopted.

Hogg of Linn offered the following amendment [H-8574](#) filed by him from the floor and moved its adoption:

Division was requested as follows:

[H-8574](#)

1 Amend [House File 2578](#) as follows:

[H-8574 A](#)

2 1. Page 18, line 29, by striking the words "There
 3 is".
 4 2. Page 18, line 30, by inserting before the word
 5 "appropriated" the following:
 6 "1. There is".
 7 3. Page 19, by inserting after line 2 the
 8 following:
 9 "2. There is appropriated from the general fund of
 10 the state to the department of agriculture and land
 11 stewardship for the fiscal year beginning July 1,
 12 2004, and ending June 30, 2005, in addition to any
 13 other appropriation made by the general assembly, the
 14 following amount, or so much thereof as is necessary,
 15 to be used for the purposes designated:
 16 For financial assistance for the establishment of
 17 permanent soil and water conservation practices as
 18 provided in the appropriation made in this Act for
 19 that purpose from the environment first fund:
 20 \$ 2,500,000"

[H-8574 B](#)

21 4. Page 24, by inserting after line 28 the
 22 following:
 23 "Sec. ____ NEW SECTION. 422F.1 SHORT TITLE.
 24 This chapter may be cited as the "Adult Enterprises
 25 Excise Tax Act".
 26 Sec. ____ NEW SECTION. 422F.2 DEFINITIONS.
 27 For purposes of this chapter, unless the context
 28 otherwise requires:
 29 1. "Adult enterprise" means a business that sells,
 30 leases, or rents obscene material or allows or permits
 31 an entertainer to expose the genitalia, buttocks, or
 32 the nipple of female breasts and the business is

33 prohibited from admitting minors to the premises of
34 the business under section 728.3.

35 2. "Lease or rental" means any transfer of
36 possession or control of tangible personal property
37 for a fixed or indeterminate term for consideration.
38 A "lease or rental" may include a future option to
39 purchase or extend.

40 3. "Obscene material" means the same as the term
41 is defined in section 728.1.

42 4. "Sales" or "sale" means any transfer, exchange,
43 or barter, conditional or otherwise, in any manner or
44 by any means whatsoever, for consideration.

45 5. "Sales price" means the total amount of
46 consideration, including cash, credit, property, and
47 services, for which personal property or services are
48 sold, leased, or rented, valued in money, whether
49 received in money or otherwise, without any deduction
50 of any of the following:

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1 a. The seller's cost of the property sold.

2 b. The cost of materials used, labor or service
3 cost, interest, losses, costs of transportation to the
4 seller, taxes imposed on the seller, or any other
5 expenses of the seller.

6 c. Charges by the seller for any services
7 necessary to complete the sale, other than delivery or
8 installation charges.

9 d. Delivery charges.

10 e. Installation charges.

11 Sec. ____. NEW SECTION. 422F.3 TAX IMPOSED.

12 1. An adult enterprise excise tax according to and
13 measured by gross receipts is imposed on an adult
14 enterprise for the privilege of doing business in this
15 state as an adult enterprise. The tax is imposed at
16 the rate of twenty-five percent upon the sales price
17 of the sale, lease, or rental of tangible or
18 intangible property, upon the sales price from the
19 furnishing of services, and upon the sales price of
20 all sales of tickets and admissions by the adult
21 enterprise.

22 2. The adult enterprise shall collect the tax by
23 adding the tax to the sales price.

24 3. The adult enterprise excise tax levied shall be
25 in addition to any state sales tax imposed under
26 section 423.2. Section 422.25, subsection 4, sections
27 422.30, 422.67, and 422.68, section 422.69, subsection
28 1, sections 422.70 to 422.75, section 423.14,
29 subsection 1, and sections 423.23, 423.24, 423.25,
30 423.31, 423.33, 423.35, 423.37 to 423.42, and 423.47,
31 consistent with the provisions of this chapter, apply

32 with respect to the adult enterprise excise tax
33 authorized under this chapter, in the same manner and
34 with the same effect as if the tax was a retail sales
35 tax within the meaning of those statutes.
36 Notwithstanding this subsection, the director of
37 revenue shall provide for quarterly filing of returns
38 and for other than quarterly filing of returns, both
39 as prescribed in section 423.31. The director of
40 revenue may require all persons, as defined in section
41 423.1, who are engaged in the business of deriving any
42 sales price subject to tax under this chapter, to
43 register with the department of revenue.
44 Sec. ____ NEW SECTION. 422F.4 DEPOSIT OF
45 REVENUE.
46 The revenue arising from the tax imposed under this
47 chapter shall be credited to the general fund of the
48 state."
49 5. By renumbering as necessary.

Hogg of Linn asked and received unanimous consent to withdraw amendment [H-8574A](#).

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment [H-8563](#) filed by him on April 14, 2004.

Eichhorn of Hamilton asked and received unanimous consent to withdraw amendment [H-8584](#) filed by him from the floor.

Watts of Dallas offered the following amendment [H-8536](#) filed by Watts, et al., and moved its adoption:

[H-8536](#)

1 Amend [House File 2578](#) as follows:
2 1. Page 20, by inserting after line 27, the
3 following:
4 "Sec. ____ Section 8D.13, subsection 12, Code
5 Supplement 2003, is amended to read as follows:
6 12. The commission, on its own or as recommended
7 by an advisory committee of the commission and
8 approved by the commission, shall permit a fee to be
9 charged by a receiving site to the originator of the
10 communication provided on the network. The fee
11 charged shall be for the purpose of recovering the
12 operating costs of a receiving site. The fee charged
13 shall be reduced by an amount received by the
14 receiving site pursuant to a state appropriation for
15 such costs, or federal assistance received for such
16 costs. Fees established under this subsection shall

17 be paid by the originator of the communication
 18 directly to the receiving site. In the event that an
 19 entity requests a receiving site location in a video
 20 classroom facility which is authorized by, but not
 21 funded by, the originator of the communication, the
 22 requesting entity shall be directly billed by the
 23 video classroom facility for operating costs relating
 24 to the communication. For purposes of this section,
 25 "operating costs" include the costs associated with
 26 the management or coordination, operations, utilities,
 27 classroom, equipment, maintenance, and other costs
 28 directly related to providing the receiving site."
 29 2. By renumbering as necessary.

Amendment [H-8536](#) was adopted.

Dix of Butler offered amendment [H-8564](#) filed by him as follows:

[H-8564](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 20, by inserting after line 27 the
 3 following:
 4 "Sec. ____ Section 8.57, subsection 5, Code
 5 Supplement 2003, is amended by adding the following
 6 new paragraph:
 7 NEW PARAGRAPH. g. Notwithstanding any other
 8 provision to the contrary, and prior to the
 9 appropriation of moneys from the rebuild Iowa
 10 infrastructure fund pursuant to paragraph "c", and
 11 section 8.57A, subsection 4, moneys shall first be
 12 appropriated from the rebuild Iowa infrastructure fund
 13 to the vertical infrastructure fund as provided in
 14 section 8.57B, subsection 4.
 15 Sec. ____ NEW SECTION. 8.57B VERTICAL
 16 INFRASTRUCTURE FUND.
 17 1. A vertical infrastructure fund is created under
 18 the authority of the department of management. The
 19 fund shall consist of appropriations made to the fund
 20 and transfers of interest, earnings, and moneys from
 21 other funds as provided by law. The fund shall be
 22 separate from the general fund of the state and the
 23 balance in the fund shall not be considered part of
 24 the balance of the general fund of the state.
 25 However, the fund shall be considered a special
 26 account for the purposes of section 8.53, relating to
 27 generally accepted accounting principles.
 28 2. Notwithstanding section 12C.7, subsection 2,
 29 interest or earnings on moneys in the vertical
 30 infrastructure fund shall be credited to the rebuild
 31 Iowa infrastructure fund.

32 3. Moneys in the fund in a fiscal year shall be
33 used as appropriated by the general assembly for
34 public vertical infrastructure projects. For the
35 purposes of this section, "vertical infrastructure"
36 includes only land acquisition and construction, major
37 renovation, and major repair of buildings, all
38 appurtenant structures, utilities, and site
39 development. "Vertical infrastructure" does not
40 include routine, recurring maintenance, debt service,
41 or operational expenses or leasing of a building,
42 appurtenant structure, or utility without a lease-
43 purchase agreement.
44 4. There is appropriated from the rebuild Iowa
45 infrastructure fund to the vertical infrastructure
46 fund, the following:
47 a. For the fiscal year beginning July 1, 2005, and
48 ending June 30, 2006, the sum of twenty-five million
49 dollars.
50 b. For the fiscal year beginning July 1, 2006, and

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1 ending June 30, 2007, the sum of fifty million
2 dollars.
3 c. For the fiscal year beginning July 1, 2007, and
4 ending June 30, 2008, the sum of seventy-five million
5 dollars.
6 d. For the fiscal year beginning July 1, 2008, and
7 each fiscal year thereafter, the sum of one hundred
8 million dollars."
9 2. By renumbering as necessary.

Hogg of Linn offered the following amendment [H-8617](#), to amendment [H-8564](#), filed by him from the floor and moved its adoption:

[H-8617](#)

1 Amend the amendment, [H-8564](#), to [House File 2578](#) as
2 follows:
3 1. Page 1, by striking lines 10 and 11 and
4 inserting the following: "infrastructure fund
5 pursuant to paragraph "c", there is appropriated to
6 the environment first fund pursuant to section 8.57A,
7 subsection 4, prior to moneys being".
8 2. Page 1, line 45, by inserting after the word
9 "fund" the following: ", after the appropriation made
10 to the environment first fund pursuant to section
11 8.57A, subsection 4,".

Amendment [H-8617](#) lost.

On motion by Dix of Butler, amendment [H-8564](#) was adopted.

Kuhn of Floyd offered the following amendment [H-8607](#) filed by him from the floor and moved its adoption:

[H-8607](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 20, line 30, by striking the word
- 3 "subdivision" and inserting the following:
- 4 "subdivisions".
- 5 2. Page 21, by inserting after line 6 the
- 6 following:
- 7 "NEW SUBPARAGRAPH SUBDIVISION. (d) This
- 8 subparagraph subdivision applies to the annual amount
- 9 that the corporation is required to repay the
- 10 department pursuant to this subparagraph and the
- 11 annual amount that the department is required to
- 12 deposit into the road use tax fund pursuant to
- 13 subsection 8. That amount shall at least equal four
- 14 percent of the total amount of the Iowa agricultural
- 15 industry finance loan that the department awarded to
- 16 the corporation. However, the amount required to be
- 17 repaid to the department and deposited into the road
- 18 use tax fund shall never be less than one million
- 19 dollars. The amount shall not be altered by any
- 20 financing provided to an eligible person or other
- 21 transfer of moneys made by the corporation, including
- 22 but not limited to a loan made by the corporation the
- 23 assignment of which the department has accepted
- 24 pursuant to this subparagraph."
- 25 2. By renumbering as necessary.

Amendment [H-8607](#) was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-8572](#) filed by him from the floor.

Eichhorn of Hamilton offered amendment [H-8573](#) filed by him from the floor as follows:

[H-8573](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 23, by inserting after line 22 the
- 3 following:
- 4 "Sec. ___. Section 147.1, subsection 2, paragraph
- 5 c, Code 2003, is amended to read as follows:
- 6 c. "Licensed" or "certified" when applied to a

7 physician and surgeon, podiatric physician, osteopath,
 8 osteopathic physician and surgeon, physician
 9 assistant, psychologist or associate psychologist,
 10 chiropractor, nurse, dentist, dental hygienist,
 11 optometrist, speech pathologist, audiologist,
 12 pharmacist, physical therapist, occupational
 13 therapist, respiratory care practitioner, practitioner
 14 of cosmetology arts and sciences, practitioner of
 15 barbering, funeral director, dietitian, marital and
 16 family therapist, mental health counselor, social
 17 worker, massage therapist, athletic trainer, ~~or~~
 18 acupuncturist, or interpreter, means a person licensed
 19 under this subtitle.

20 Sec. ____ Section 147.1, subsection 2, paragraph
 21 f, Code 2003, is amended to read as follows:

22 f. "Profession" means medicine and surgery,
 23 podiatry, osteopathy, osteopathic medicine and
 24 surgery, practice as a physician assistant,
 25 psychology, chiropractic, nursing, dentistry, dental
 26 hygiene, optometry, speech pathology, audiology,
 27 pharmacy, physical therapy, occupational therapy,
 28 respiratory care, cosmetology arts and sciences,
 29 barbering, mortuary science, marital and family
 30 therapy, mental health counseling, social work,
 31 dietetics, massage therapy, athletic training, ~~or~~
 32 acupuncture, or interpreting.

33 Sec. ____ Section 147.2, unnumbered paragraph 1,
 34 Code 2003, is amended to read as follows:

35 A person shall not engage in the practice of
 36 medicine and surgery, podiatry, osteopathy,
 37 osteopathic medicine and surgery, psychology,
 38 chiropractic, physical therapy, nursing, dentistry,
 39 dental hygiene, optometry, speech pathology,
 40 audiology, occupational therapy, respiratory care,
 41 pharmacy, cosmetology, barbering, social work,
 42 dietetics, marital and family therapy or mental health
 43 counseling, massage therapy, mortuary science, ~~or~~
 44 acupuncture, or interpreting, or shall not practice as
 45 a physician assistant as defined in the following
 46 chapters of this subtitle, unless the person has
 47 obtained from the department a license for that
 48 purpose.

49 Sec. ____ Section 147.13, Code 2003, is amended by
 50 adding the following new subsection:

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1 NEW SUBSECTION. 21. For interpreters, interpreter
 2 examiners.

3 Sec. ____ Section 147.14, Code 2003, is amended by
 4 adding the following new subsection:

5 NEW SUBSECTION. 21. For interpreting, four

6 members licensed to practice interpreting, three of
7 whom shall be practicing interpreters at the time of
8 appointment to the board and at least one of whom is
9 employed in an educational setting; and three members
10 who are consumers of interpreting services as defined
11 in section 154E.1, each of whom shall be deaf. A
12 majority of members of the board constitutes a quorum.
13 Sec. ____ Section 147.74, Code Supplement 2003, is
14 amended by adding the following new subsection:
15 NEW SUBSECTION. 21A. An interpreter licensed
16 under chapter 154E and this chapter may use the title
17 "licensed interpreter" or the letters "L.I." after the
18 person's name.
19 Sec. ____ Section 147.80, Code Supplement 2003, is
20 amended by adding the following new subsection:
21 NEW SUBSECTION. 28A. License to practice
22 interpreting, license to practice interpreting under a
23 reciprocal license, or renewal of a license to
24 practice interpreting.
25 Sec. ____ NEW SECTION. 154E.1 DEFINITIONS.
26 As used in this chapter, unless the context
27 otherwise requires:
28 1. "Board" means the board of interpreter
29 examiners established in chapter 147.
30 2. "Consumer" means an individual utilizing
31 interpreting services who uses spoken English,
32 American sign language, or a manual form of English.
33 3. "Department" means the Iowa department of
34 public health.
35 4. "Interpreter training program" means a post-
36 secondary education program training individuals to
37 interpret or transliterate.
38 5. "Interpreting" means facilitating communication
39 between individuals who communicate via American sign
40 language and individuals who communicate via spoken
41 English.
42 6. "Licensee" means any person licensed to
43 practice interpreting or transliterating for deaf,
44 hard-of-hearing, and hearing individuals in the state
45 of Iowa.
46 7. "Transliterating" means facilitating
47 communication between individuals who communicate via
48 a manual form of English and individuals who
49 communicate via spoken English.
50 Sec. ____ NEW SECTION. 154E.2 DUTIES OF THE

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1 BOARD.
2 The board shall administer this chapter. The
3 board's duties shall include, but are not limited to,
4 the following:

5 1. Adopt rules consistent with this chapter and
6 with chapter 147 which are necessary for the
7 performance of its duties.

8 2. Act on matters concerning licensure and the
9 process of applying for, granting, suspending,
10 imposing supervisory or probationary conditions upon,
11 reinstating, and revoking a license.

12 3. Establish and collect licensure fees. The
13 board shall establish the amounts of license and
14 renewal fees based upon the actual costs of sustaining
15 the board and the actual costs of issuing the
16 licenses, and all fees collected shall be deposited
17 with the treasurer of state who shall deposit them in
18 the general fund of the state.

19 4. Administer the provisions of this chapter
20 regarding documentation required to demonstrate
21 competence as an interpreter, and the processing of
22 applications for licenses and license renewals.

23 5. Establish and maintain as a matter of public
24 record a registry of interpreters licensed pursuant to
25 this chapter.

26 6. Develop continuing education requirements as a
27 condition of license renewal.

28 7. Evaluate requirements for licensure in other
29 states to determine if reciprocity may be granted.

30 Sec. ____ NEW SECTION. 154E.3 REQUIREMENTS FOR
31 LICENSURE.

32 On or after July 1, 2005, every person providing
33 interpreting or transliterating services in this state
34 shall be licensed pursuant to this chapter. The board
35 shall adopt rules pursuant to chapters 17A, 147, and
36 272C establishing procedures for the licensing of new
37 and existing interpreters. Prior to obtaining
38 licensure, an applicant shall successfully pass an
39 examination prescribed and approved by the board,
40 demonstrating the following:

41 1. VOICE-TO-SIGN INTERPRETATION. An applicant
42 shall demonstrate proficiency at:

43 a. Message equivalence, producing a true and
44 accurate signed form of the spoken message,
45 maintaining the integrity of content and meaning, and
46 exhibiting few omissions, substitutions, or other
47 errors.

48 b. Affect, producing nonmanual grammar consistent
49 with the intent and emotion of the speaker, and
50 exhibiting no distracting mannerisms.

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1 c. Vocabulary choice, making correct sign choices
2 appropriate to the setting and consumers, applying
3 facial grammar consistent with sign choice, selecting

4 signs that remain true to speaker's intent, and
5 demonstrating lexical variety.
6 d. Fluency, displaying confidence in production,
7 exhibiting a strong command of American sign language
8 or manual codes for English, applying nonmanual
9 behaviors consistent with the speaker's intent, and
10 demonstrating understanding of and sensitivity to
11 cultural differences.
12 2. SIGN-TO-VOICE INTERPRETATION. An applicant
13 shall demonstrate proficiency at:
14 a. Message equivalence, producing a true and
15 accurate spoken form of the signed message,
16 maintaining the integrity of content and meaning, and
17 exhibiting few omissions, substitutions, or other
18 errors.
19 b. Affect, producing inflection consistent with
20 the intent and emotion of the speaker, and exhibiting
21 no distracting mannerisms.
22 c. Vocabulary choice, making correct word choices
23 appropriate to the setting and consumers, using vocal
24 inflection consistent with word choice, selecting
25 words that remain true to the speaker's intent, and
26 demonstrating lexical variety.
27 d. Fluency, displaying confidence in production,
28 exhibiting a strong command of English in both spoken
29 and written forms, applying vocal inflections
30 consistent with the speaker's intent, and
31 demonstrating understanding of and sensitivity to
32 cultural differences.
33 3. PROFESSIONAL CONDUCT. An applicant shall
34 demonstrate:
35 a. Proficiency in functioning as a communicator of
36 messages between the sender and receiver, and
37 educating consumers of services about the functions
38 and logistics of the interpreting process.
39 b. An impartial demeanor, refraining from
40 interjecting opinions or advice and from aligning with
41 one party over another. An applicant shall treat all
42 people fairly and respectfully regardless of their
43 relationship to the interpreting assignment, and
44 present a professional appearance that is not visually
45 distracting and is appropriate to the setting. An
46 applicant shall exhibit knowledge and application of
47 federal and state laws pertaining to the interpreting
48 profession.
49 c. Integrity, and shall be proficient in
50 understanding and applying ethical behavior

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1 appropriate for a licensee. An applicant shall
2 demonstrate discretion in accepting and meeting

3 interpreter services requests, and shall engage
4 actively in lifelong learning.

5 Sec.____. NEW SECTION. 154E.4 EXCEPTIONS.

6 1. A person shall not practice interpreting or
7 transliterating, or represent oneself to be an
8 interpreter, unless the person is licensed under this
9 chapter.

10 2. This chapter does not prohibit any of the
11 following:

12 a. Any person residing outside of the state of
13 Iowa holding a current license from another state that
14 meets the state of Iowa's requirements from providing
15 interpreting or transliterating services in this state
16 for up to fourteen days per calendar year without a
17 license issued pursuant to this chapter.

18 b. Any person who interprets or transliterates
19 solely in a religious setting with the exception of
20 those working in schools that receive government
21 funding.

22 c. Volunteers working without compensation,
23 including emergency situations, until a licensed
24 interpreter is obtained.

25 d. Any person working as a substitute for a
26 licensed interpreter in an early childhood,
27 elementary, or secondary education setting for no more
28 than thirty school days in a calendar year."

29 2. Page 24, by inserting after line 11 the
30 following:

31 "Sec.____. Section 272C.1, subsection 6, Code
32 2003, is amended by adding the following new
33 paragraph:

34 NEW PARAGRAPH. ad. The board of interpreter
35 examiners, created pursuant to chapter 154E."

36 3. Page 25, by inserting after line 22 the
37 following:

38 "Sec.____. INTERPRETER STANDARDS AND REGULATIONS.

39 There is appropriated from the general fund of the
40 state to the Iowa department of public health, for the
41 fiscal year beginning July 1, 2004, and ending June
42 30, 2005, the following amount, or so much thereof as
43 is necessary, for the purpose designated:

44 For protecting the health and safety of the public
45 through establishing standards and enforcing
46 regulations of interpreters for the deaf, hard-of-
47 hearing, and hearing, and for not more than the
48 following full-time equivalent positions:
49 \$ 60,390
50 FTEs 1.00

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1 Sec.____. TRANSITION PROVISIONS.

2 1. The board of interpreter examiners shall be
3 provisionally established as provided in section
4 147.14, as amended in this Act, effective July 1,
5 2004, for the sole purpose of appointment of members
6 and organizing, planning, and adopting rules, as
7 described in section 9 of this Act, which rules shall
8 be effective July 1, 2005. The board shall become
9 fully operational July 1, 2007, as provided in this
10 Act.

11 2. Applicants for licensure under chapter 154E who
12 have not passed a licensure examination approved by
13 the board by July 1, 2005, shall be issued a temporary
14 license to practice interpreting for a period of two
15 years, commencing on July 1, 2005.

16 3. Applicants issued a temporary license pursuant
17 to this section shall pass a licensure examination
18 approved by the board on or before July 1, 2007, in
19 order to remain licensed as an interpreter.

20 Sec.____. EFFECTIVE DATE. The sections of this
21 division of this Act providing for the licensing of
22 interpreters by amending chapters 147 and 272C and
23 enacting chapter 154E take effect July 1, 2005."

Connors of Polk offered the following amendment [H-8591](#), to amendment [H-8573](#), filed by him from the floor and moved its adoption:

[H-8591](#)

1 Amend the amendment, [H-8573](#), to [House File 2578](#) as
2 follows:

3 1. Page 1, line 18, by inserting after the word
4 "interpreter" the following: "for the hearing
5 impaired".

6 2. Page 1, line 32, by inserting after the word
7 "interpreting" the following: "for the hearing
8 impaired".

9 3. Page 1, line 44, by inserting after the word
10 "interpreting" the following: "for the hearing
11 impaired".

12 4. Page 2, line 1, by inserting after the word
13 "interpreter" the following: "for the hearing
14 impaired".

15 5. Page 2, line 5, by inserting after the word
16 "interpreting" the following: "for the hearing
17 impaired".

18 6. Page 2, line 28, by inserting after the word
19 "interpreter" the following: "for the hearing
20 impaired".

21 7. Page 5, line 34, by inserting after the word
22 "interpreter" the following: "for the hearing

23 impaired".
 24 8. Page 6, line 2, by inserting after the word
 25 "interpreter" the following: "for the hearing
 26 impaired".

Amendment [H-8591](#) was adopted.

Eichhorn of Hamilton offered the following amendment [H-8612](#), to amendment [H-8573](#), filed by him from the floor and moved its adoption:

[H-8612](#)

1 Amend the amendment, [H-8573](#), to [House File 2578](#) as
 2 follows:
 3 1. Page 5, by inserting after line 50 the
 4 following:
 5 "Sec. ____ . 2004 Iowa Acts, [Senate File 2298](#),
 6 section 2, subsection 1, if enacted, is amended by
 7 striking the subsection and inserting in lieu thereof
 8 the following:
 9 1. There is appropriated from the general fund of
 10 the state to the department of administrative services
 11 for the fiscal year beginning July 1, 2004, and ending
 12 June 30, 2005, the following amount, or so much
 13 thereof as is necessary, to be used for the purposes
 14 designated:
 15 For start-up funding for revolving funds under the
 16 control of the department of administrative services
 17 and for salaries, support, maintenance, and
 18 miscellaneous purposes:
 19 \$ 1,889,610
 20 Notwithstanding any provision of this section to
 21 the contrary, the department of administrative
 22 services shall deposit \$1,889,610 in the general fund
 23 of the state from moneys in departmental revolving
 24 funds and internal service funds at the end of the
 25 fiscal year."

Amendment [H-8612](#) was adopted.

On motion by Eichhorn of Hamilton amendment [H-8573](#), as amended, was adopted.

Hoffman of Crawford offered the following amendment [H-8537](#) filed by him and moved its adoption:

[H-8537](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 24, by inserting after line 28 the
 3 following:
 4 "Sec. ____ 2004 Iowa Acts, [Senate File 2257](#),
 5 section 1, subsection 10, if enacted, is amended to
 6 read as follows:
 7 10. APPLICABILITY DATE. This section applies to
 8 personal insurance contracts or policies delivered,
 9 issued for delivery, continued, or renewed in this
 10 state on or after ~~April 1, 2005~~ October 1, 2004."

Amendment [H-8537](#) was adopted.

Freeman of Buena Vista offered amendment [H-8544](#) filed by
 Freeman, et al., as follows:

[H-8544](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 24, by inserting after line 28 the
 3 following:
 4 "Sec. ____ Section 462A.5, subsection 3, Code
 5 2003, is amended to read as follows:
 6 3. The registration fees for vessels subject to
 7 this chapter are as follows:
 8 a. For vessels of any length without motor or
 9 sail, ~~five~~ eight dollars.
 10 b. For motorboats or sailboats less than ~~twelve~~
 11 sixteen feet in length, ~~eight~~ fifteen dollars.
 12 c. For motorboats or sailboats ~~twelve~~ sixteen feet
 13 or more, but less than ~~fifteen~~ twenty-six feet in
 14 length, ~~ten~~ twenty-five dollars.
 15 ~~d. For motorboats or sailboats fifteen feet or~~
 16 ~~more, but less than eighteen feet in length, twelve~~
 17 ~~dollars.~~
 18 ~~e. For motorboats or sailboats eighteen feet or~~
 19 ~~more, but less than twenty five feet in length,~~
 20 ~~eighteen dollars.~~
 21 ~~f. d. For motorboats or sailboats twenty-five~~
 22 ~~twenty-six feet in length or more, twenty-eight but~~
 23 ~~less than forty feet in length, forty dollars.~~
 24 e. For motor boats or sailboats forty feet in
 25 length or more, seventy-five dollars.
 26 f. For all personal watercraft, twenty-five
 27 dollars.
 28 Every registration certificate and number issued
 29 becomes delinquent at midnight April 30 of odd-
 30 numbered years unless terminated or discontinued in
 31 accordance with this chapter. After January 1 in odd-

32 numbered years, an unregistered vessel and a renewal
33 of registration may be registered for the two-year
34 registration period beginning May 1 of that year.
35 After January 1 in even-numbered years, unregistered
36 vessels may be registered for the remainder of the
37 current registration period at fifty percent of the
38 appropriate registration fee.
39 If a timely application for renewal is made, the
40 applicant shall receive the same registration number
41 allocated to the applicant for the previous
42 registration period. If the application for
43 registration for the biennium is not made before May 1
44 of each odd-numbered year, the applicant shall be
45 charged a penalty of five dollars.
46 Sec. _____. Section 462A.22, Code 2003, is amended
47 to read as follows:
48 462A.22 ENGINEER OR PILOT LICENSE AND FEES.
49 1. No A vessel shall not be operated for hire by a
50 pilot or engineer upon the waters of this state under

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1 the jurisdiction of the commission unless the pilot or
2 engineer first obtains an engineer's or pilot's
3 license. A pilot's license is required for any person
4 who has charge of the steering or directing of the
5 vessel's course or who does the steering or directs
6 the vessel's course. An engineer's license is
7 required for all operators who have charge of or
8 operate the equipment by which the boat is propelled.
9 If one person acts in a dual or alternate capacity,
10 the person shall first obtain both an engineer's and
11 pilot's license.
12 2. Any person desiring a pilot's or engineer's
13 license shall file an application with the commission
14 upon forms prepared and furnished by the commission.
15 Such license may be issued by the commission only upon
16 recommendation of an officer duly authorized by the
17 commission. Before the officer recommends such a
18 license, the officer shall investigate the competency
19 of the applicant, the applicant's acquaintance with
20 and experience in boat work, habits as to sobriety,
21 mental and physical qualifications for the work,
22 acquaintance with the waters for which application to
23 operate upon is made, familiarity with the laws and
24 regulations pertaining to the vessel operation and all
25 other pertinent matters. Such license shall not be
26 issued to anyone under eighteen years of age.
27 3. The annual fee for a pilot's license is ten
28 dollars. The annual fee for an engineer's license is
29 twenty dollars. All fees for the licensing of pilots
30 and engineers shall be forwarded by the commission to

31 the treasurer of state, who shall place the money in
 32 the environment first fund created in section 8.57A.
 33 4. Engineer's and pilot's licenses shall be in
 34 effect only for the calendar year in which ~~such~~ the
 35 license is issued.
 36 Sec. _____. Section 462A.52, Code 2003, is amended
 37 to read as follows:
 38 462A.52 FEES REMITTED TO COMMISSION.
 39 Within ten days after the end of each month, a
 40 county recorder shall remit to the commission all fees
 41 collected by the recorder during the previous month.
 42 Before May 10 in odd-numbered years, a county recorder
 43 shall remit to the commission all unused license
 44 blanks for the previous biennium. All fees collected
 45 for the registration of vessels shall be forwarded by
 46 the commission to the treasurer of the state, who
 47 shall place the money in ~~a special conservation~~ the
 48 environment first fund created in section 8.57A. ~~The~~
 49 ~~money so collected is appropriated to the commission~~
 50 ~~solely for the administration and enforcement of~~

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1 ~~navigation laws and water safety.~~
 2 Sec. _____. Section 462A.21, Code 2003, is
 3 repealed."
 4 2. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment [H-8544](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8544](#) not germane.

Hogg of Linn asked and received unanimous consent to withdraw amendment [H-8574B](#).

Hogg of Linn offered amendment [H-8604](#) filed by him from the floor as follows:

[H-8604](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 24, by inserting after line 28 the
 3 following:
 4 "Sec. _____. Section 602.8108, subsection 3,
 5 paragraph b, Code Supplement 2003, is amended to read
 6 as follows:
 7 b. Of the amount received from the clerk, the

8 state court administrator shall allocate ~~eighteen six~~
9 ~~percent to be deposited in the criminalistics~~
10 ~~laboratory fund established in subsection 7, seventeen~~
11 ~~percent to be deposited in the victim compensation~~
12 ~~fund established in section 915.94, and eighty-two~~
13 ~~seventy-seven~~ percent to be deposited in the general
14 fund.

15 Sec. ____ Section 602.8108, Code Supplement 2003,
16 is amended by adding the following new subsection:

17 NEW SUBSECTION. 7. A criminalistics laboratory
18 fund is created in the state treasury under the
19 control of the department of public safety. The fund
20 shall consist of appropriations made to the fund and
21 transfers of interest, earnings, and moneys required
22 to be collected for deposit in the fund, including
23 moneys received from the criminal penalty surcharge
24 pursuant to subsection 3, paragraph "b". All moneys
25 in the fund are appropriated to the department of
26 public safety for use by the department in
27 criminalistics laboratory equipment purchasing,
28 maintenance, depreciation, and training. Any balance
29 in the fund on June 30 of any fiscal year shall not
30 revert to any other fund of the state but shall remain
31 available for the purposes described in this
32 subsection.

33 Sec. ____ Section 911.2, unnumbered paragraph 1,
34 Code 2003, is amended to read as follows:

35 When a court imposes a fine or forfeiture for a
36 violation of a state law, or of a city or county
37 ordinance except an ordinance regulating the parking
38 of motor vehicles, the court shall assess an
39 additional penalty in the form of a surcharge equal to
40 ~~thirty~~ thirty-two percent of the fine or forfeiture
41 imposed. An additional drug abuse resistance
42 education surcharge of ten dollars shall be assessed
43 by the clerk of the district court if the violation
44 arose out of a violation of an offense provided for in
45 chapter 321J or chapter 124, division IV. In the
46 event of multiple offenses, the surcharge shall be
47 based upon the total amount of fines or forfeitures
48 imposed for all offenses. When a fine or forfeiture
49 is suspended in whole or in part, the surcharge shall
50 be reduced in proportion to the amount suspended."

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1 2. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment [H-8604](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8604](#) not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment [H-8604](#).

Objection was raised.

Heddens of Story offered the following amendment [H-8609](#) filed by her and Lukan of Dubuque from the floor and moved its adoption:

[H-8609](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 24, by inserting after line 28 the
- 3 following:
- 4 "Sec.____. Section 422.11J, subsection 5,
- 5 paragraph a, if enacted by 2004 Iowa Acts, Senate File
- 6 2295, is amended to read as follows:
- 7 a. "Disabled student" means a child requiring
- 8 special education, as defined in section 256B.2,
- 9 subsection 1, or a student with disabilities who
- 10 qualifies for educational services under section 504
- 11 of the federal Rehabilitation Act of 1973, as amended
- 12 and codified in 29 U.S.C. § 794."
- 13 2. By renumbering as necessary.

Amendment [H-8609](#) was adopted.

Dix of Butler asked and received unanimous consent that amendment [H-8610](#) be deferred.

Raecker of Polk offered the following amendment [H-8538](#) filed by him and moved its adoption:

[H-8538](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 36, by inserting after line 29 the
- 3 following:
- 4 "DIVISION VIII
- 5 VISION IOWA AND COMMUNITY ATTRACTION AND TOURISM
- 6 PROGRAMS
- 7 Sec.____. Section 8.57, subsection 5, paragraph e,
- 8 unnumbered paragraph 1, Code Supplement 2003, is
- 9 amended to read as follows:
- 10 Notwithstanding provisions to the contrary in

11 sections 99D.17 and 99F.11, for the fiscal year
 12 beginning July 1, 2000, and for each fiscal year
 13 thereafter, not more than a total of sixty million
 14 dollars shall be deposited in the general fund of the
 15 state in any fiscal year pursuant to sections 99D.17
 16 and 99F.11. The next fifteen million dollars of the
 17 moneys directed to be deposited in the general fund of
 18 the state in a fiscal year pursuant to sections 99D.17
 19 and 99F.11 shall be deposited in the vision Iowa fund
 20 created in section 12.72 for the fiscal year beginning
 21 July 1, 2000, and for each fiscal year through the
 22 fiscal year beginning July 1, ~~2019~~ 2029. The next
 23 five million dollars of the moneys directed to be
 24 deposited in the general fund of the state in a fiscal
 25 year pursuant to sections 99D.17 and 99F.11 shall be
 26 deposited in the school infrastructure fund created in
 27 section 12.82 for the fiscal year beginning July 1,
 28 2000, and for each fiscal year thereafter until the
 29 principal and interest on all bonds issued by the
 30 treasurer of state pursuant to section 12.81 are paid,
 31 as determined by the treasurer of state. The total
 32 moneys in excess of the moneys deposited in the
 33 general fund of the state, the vision Iowa fund, and
 34 the school infrastructure fund in a fiscal year shall
 35 be deposited in the rebuild Iowa infrastructure fund
 36 and shall be used as provided in this section,
 37 notwithstanding section 8.60.
 38 Sec. _____. COMMUNITY ATTRACTION AND TOURISM FUND.
 39 There is appropriated from the rebuild Iowa
 40 infrastructure fund to the office of the treasurer of
 41 state for the fiscal period beginning July 1, 2005,
 42 and ending June 30, 2009, the following amounts, or so
 43 much thereof as is necessary, to be used for the
 44 purposes designated:
 45 For deposit in the community attraction and tourism
 46 fund:
 47 FY 2005-2006 \$ 12,000,000
 48 FY 2006-2007 \$ 12,000,000
 49 FY 2007-2008 \$ 12,000,000
 50 FY 2008-2009 \$ 12,000,000"

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1 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 48, nays 25.

Amendment [H-8538](#) was adopted.

Lukan of Dubuque asked and received unanimous consent that amendment [H-8546](#) be deferred.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-8548](#) filed by Raecker of Polk and Freeman of Buena Vista on April 14, 2004.

T. Taylor of Linn offered the following amendment [H-8614](#) filed by him from the floor and moved its adoption:

[H-8614](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 2, by inserting after line 4 the
- 3 following:
- 4 "In addition to the amount provided for costs
- 5 associated with project management services in this
- 6 subparagraph, the division of design and construction
- 7 may be reimbursed from moneys appropriated in this
- 8 lettered paragraph for such costs associated with
- 9 applicable capital projects in an amount not to exceed
- 10 \$370,824, notwithstanding section 8.57, subsection 5,
- 11 paragraph "c". such reimbursement shall be provided
- 12 for pursuant to an agreement entered into with a
- 13 governmental entity to which the division of design
- 14 and construction provides project management services
- 15 relating to a capital project."
- 16 2. By renumbering as necessary.

Amendment [H-8614](#) was adopted.

Dix of Butler offered the following amendment [H-8621](#) filed by him from the floor and moved its adoption:

[H-8621](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 3, by inserting after line 22 the
- 3 following:
- 4 "____. OFFICE OF THE GOVERNOR
- 5 For terrace hill quarters, to supplement the
- 6 appropriation made for this purpose in 2004 Iowa Acts,
- 7 [Senate File 2298](#), Division I, if enacted,
- 8 notwithstanding section 8.57, subsection 5, paragraph
- 9 "c":
- 10 FY 2004-2005 \$ 100,000"
- 11 2. By renumbering as necessary.

Amendment [H-8621](#) was adopted.

Cohon of Des Moines offered the following amendment [H-8622](#) filed by him from the floor and moved its adoption:

[H-8622](#)

1 Amend [House File 2578](#) as follows:
 2 1. Page 6, by striking lines 16 through 19 and
 3 inserting the following:
 4 "a. For use of the home modification grant program
 5 for veterans and the establishment and operation of a
 6 state veterans cemetery as required in section 35A.3,
 7 subsection 14, if enacted by 2004 Iowa Acts, Senate
 8 File 2298, notwithstanding section 8.57, subsection 5,
 9 paragraph "c":
 10 FY 2004-2005 \$ 1,000,000
 11 Of the amount appropriate in this subsection,
 12 \$400,000 shall be allocated for the establishment and
 13 operation of a state veterans cemetery if one is
 14 required by law and \$600,000 shall be allocated for
 15 the home modification grant program for veterans.
 16 b. For the purposes of this subsection, "veteran"
 17 means the same as defined in section 35.1 or a
 18 resident of this state who served in the armed forces
 19 of the United States, completed a minimum aggregate of
 20 ninety days of active federal service, and was
 21 discharged under honorable conditions.
 22 c. A veterans home modification grant program is
 23 created under the control of the commission. The
 24 veterans home modification grant program shall provide
 25 grants to veterans who have a service-connected,
 26 permanent disability, rating less than fifty percent
 27 as verified by the United States department of
 28 veterans affairs or a branch of the United States
 29 armed forces. Grants shall be awarded for home
 30 modifications that are designed to meet the needs of
 31 the veteran with the disability who will be residing
 32 in the home.
 33 d. It is the intent of the general assembly that
 34 the program be equitably accessible to eligible
 35 veterans throughout the state.
 36 e. The commission shall adopt rules pursuant to
 37 chapter 17A to administer the program.
 38 (1) The rules shall establish criteria for the
 39 awarding of grants, including the maximum amount
 40 available per grant. In determining the maximum
 41 amount available per grant, the commission shall
 42 consider the number of potential recipients statewide.
 43 (2) The rules shall provide that eligible
 44 modifications may include but are not limited to any

45 of the following:

- 46 (a) Bathroom modifications.
 47 (b) Installation of grab bars and handrails.
 48 (c) Kitchen modifications.
 49 (d) Lifting devices.
 50 (e) Main-level bathroom or bedroom additions.

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- 1 (f) Ramp additions or repair.
 2 (g) Sidewalk additions or repair.
 3 (h) The widening of doorways or hallways.
 4 (3) The rules shall specify the types of eligible
 5 residences, which shall include but are not limited to
 6 single-family residences owned by the veteran.
 7 (4) The rules shall provide for a waiting list
 8 system to be instituted if the total amount of the
 9 grants awarded in a fiscal year exceeds available
 10 funding for that fiscal year."

Roll call was requested by Murphy of Dubuque and Cohoon of Des Moines.

On the question "Shall amendment [H-8622](#) be adopted?" ([H.F. 2578](#))

The ayes were, 48:

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

The nays were, 50:

Alons	Boal	Boddicker	Bogges
Chambers	De Boef	Dennis	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Gipp	Granzow	Greiner
Hahn	Hanson	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer

Kurtenbach	Lalk	Lukan	Maddox
Manternach	Olson, S.	Paulsen	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Roberts
Sands	Schickel	Struyk	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Carroll, Presiding		

Absent or not voting, 2:

Baudler Wilderdyke

Amendment [H-8622](#) lost.

T. Taylor of Linn offered the following amendment [H-8615](#) filed by him from the floor and moved its adoption:

[H-8615](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 10, by inserting after line 8 the
- 3 following:
- 4 "Sec. 201. Notwithstanding section 11.5B, for the
- 5 fiscal year beginning July 1, 2003, and ending June
- 6 30, 2004, the auditor of state shall not be entitled
- 7 to reimbursement for performing any examination of the
- 8 department of administrative services or funds
- 9 received by the department of administrative services,
- 10 except for an examination of the information
- 11 technology enterprise within the department of
- 12 administrative services and funds received by the
- 13 information technology enterprise."
- 14 2. Page 10, line 9, by striking the word and
- 15 figure "and 10" and inserting the following: "10, and
- 16 201".
- 17 3. By renumbering as necessary.

Amendment [H-8615](#) was adopted.

Huseman of Cherokee asked and received unanimous consent that amendment [H-8601](#) be deferred.

Struyk of Pottawattamie offered amendment [H-8588](#), previously deferred, filed by him, Rasmussen of Buchanan, Lukan of Dubuque, Huser of Polk and Bell of Jasper from the floor as follows:

[H-8588](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 5, by inserting after line 14 the
- 3 following:
- 4 " _____. To the division of fire safety of the
- 5 department for allocation to the fire service training
- 6 bureau for the planning, design, and construction of
- 7 regional training facilities in the state:
- 8 FY 2004-2005 \$ 150,000
- 9 _____. To the division of fire safety of the
- 10 department for allocation to the fire service training
- 11 bureau to be used for the revolving loan program for
- 12 equipment purchases by local fire departments, not
- 13 withstanding section 8.57, subsection 5, paragraph
- 14 "c":
- 15 FY 2004-2005 \$ 500,000"
- 16 2. By renumbering, redesignating, and correcting
- 17 internal references as necessary.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-8616](#) to amendment [H-8588](#) filed by him from the floor.

Thomas of Clayton offered the following amendment [H-8618](#), to amendment [H-8588](#), filed by him from the floor and moved its adoption:

[H-8618](#)

- 1 Amend the amendment, [H-8588](#), to [House File 2578](#) as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 " _____. Page 4, line 24, by inserting before the
- 6 word "For" the following: "a."
- 7 _____. Page 4, by inserting after line 31 the
- 8 following:
- 9 "b. To the emergency medical services fund created
- 10 in section 135.25, notwithstanding section 8.57,
- 11 subsection 5, paragraph "c":
- 12 \$ 200,000"
- 13 2. By renumbering as necessary.

Roll call was requested by Thomas of Clayton and T. Taylor of Linn.

Rule 75 was invoked.

On the question “Shall amendment [H-8618](#) to amendment [H-8588](#) be adopted?” ([H.F. 2578](#))

The ayes were, 46:

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

The nays were, 51:

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

Absent or not voting, 3:

Baudler	Petersen	Wilderdyke
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Amendment [H-8618](#) lost.

On motion by Struyk of Pottawattamie, amendment [H-8588](#) was adopted.

Cohoon of Des Moines asked and received unanimous consent to withdraw amendment [H-8590](#), previously deferred, filed by him and Whitaker of Van Buren from the floor, placing out of order amendment [H-8598](#) to amendment [H-8590](#) filed by Cohoon of Des Moines from the floor.

With the adoption of amendment [H-8538](#), amendment [H-8610](#) filed by Dix of Butler and Sands of Louisa from the floor, was placed out of order.

Lukan of Dubuque asked and received unanimous consent that amendment [H-8546](#), previously deferred, be deferred.

Whitead of Woodbury offered the following amendment [H-8623](#) filed by him, Wendt of Woodbury, Huseman of Cherokee and Hoffman of Crawford, from the floor and moved its adoption:

[H-8623](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 8, line 27, by inserting after the word
- 3 "'c.'" the following: "Of the available moneys in the
- 4 pooled technology account, \$100,000 shall be
- 5 transferred to the department of economic development
- 6 for the fiscal year beginning July 1, 2004, to be used
- 7 for the Iowa Lewis and Clark bicentennial commission
- 8 established pursuant to section 15.221."

Amendment [H-8623](#) was adopted.

Huseman of Cherokee offered amendment [H-8601](#), previously deferred, filed by him from the floor as follows:

[H-8601](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 1, line 12, by striking the figure
- 3 "1,500,000" and inserting the following: "2,000,000".
- 4 2. Page 1, line 22, by striking the figure
- 5 "361,496" and inserting the following: "1,861,496".
- 6 3. Page 1, line 34, by striking the figure
- 7 "2,500,000" and inserting the following: "7,300,000".
- 8 4. Page 2, by inserting after line 16 the
- 9 following:
- 10 "___ For capitol interior restoration:
- 11 FY 2004-2005 \$ 1,770,000
- 12 ___ For costs associated with maintenance and
- 13 operation of the state laboratories facility located
- 14 in Ankeny, notwithstanding section 8.57, subsection 5,
- 15 paragraph "c":
- 16 FY 2004-2005 \$ 355,500"
- 17 5. Page 2, line 25, by inserting before the word
- 18 "For" the following: "a."
- 19 6. Page 2, by inserting after line 28 the

20 following:
 21 "b. For construction of a community-based
 22 correctional facility, including district offices, in
 23 Davenport:
 24 FY 2004-2005 \$ 3,000,000
 25 FY 2005-2006 \$ 2,500,000"
 26 7. Page 2, by inserting after line 28 the
 27 following:
 28 "____. DEPARTMENT OF CULTURAL AFFAIRS
 29 a. For historical site preservation grants, to be
 30 used for the restoration, preservation, and
 31 development of historical sites:
 32 FY 2004-2005 \$ 500,000
 33 Historical site preservation grants shall only be
 34 awarded for projects which meet the definition of
 35 "vertical infrastructure" in section 8.57, subsection
 36 5, paragraph "c".
 37 In making grants pursuant to this lettered
 38 paragraph, the department shall consider the existence
 39 and amount of other funds available to an applicant
 40 for the designated project. A grant awarded from
 41 moneys appropriated in this lettered paragraph shall
 42 not exceed \$100,000 per project. Not more than two
 43 grants may be awarded in the same county.
 44 b. For continuation of the project recommended by
 45 the Iowa battle flag advisory committee to stabilize
 46 the condition of the battle flag collection,
 47 notwithstanding section 8.57, subsection 5, paragraph
 48 "c":
 49 FY 2004-2005 \$ 100,000"
 50 8. Page 2, line 30, by inserting before the word

Page 2

1 "For" the following: "a."
 2 9. Page 2, line 35, by striking the word
 3 "subsection" and inserting the following:
 4 "paragraph".
 5 10. Page 3, by inserting after line 5 the
 6 following:
 7 "b. For costs associated with Iowa's hosting of
 8 the national special Olympics, notwithstanding section
 9 8.57, subsection 5, paragraph "c":
 10 FY 2004-2005 \$ 500,000
 11 c. To provide a grant for the planning, design,
 12 and construction of a not-for-profit family
 13 recreational facility that will also include a cardiac
 14 rehabilitation center and a family indoor aquatic
 15 center:
 16 FY 2004-2005 \$ 200,000"
 17 11. Page 3, by inserting after line 22 the
 18 following:

19 "d. For allocation to the public broadcasting
 20 division for costs of installation of digital and
 21 analog television for Iowa public television
 22 facilities, notwithstanding section 8.57, subsection
 23 5, paragraph "c":
 24 FY 2004-2005 \$ 8,000,000
 25 FY 2005-2006 \$ 8,000,000
 26 FY 2006-2007 \$ 2,300,000"
 27 12. Page 4, by inserting after line 12 the
 28 following:
 29 "____. DEPARTMENT OF NATURAL RESOURCES
 30 For costs associated with the planning, design, and
 31 construction of a premier destination state park,
 32 notwithstanding section 8.57, subsection 5, paragraph
 33 "c":
 34 FY 2004-2005 \$ 500,000"
 35 13. Page 6, line 11, by inserting before the word
 36 "For" the following: "a."
 37 14. Page 6, by inserting after line 14, the
 38 following:
 39 "b. For deposit in the vision Iowa fund, to be
 40 used for the vision Iowa program, notwithstanding
 41 section 8.57, subsection 5, paragraph "c":
 42 FY 2004-2005 \$ 2,000,000
 43 c. For deposit in the community attraction and
 44 tourism fund, to be used for the community attraction
 45 and tourism program, notwithstanding section 8.57,
 46 subsection 5, paragraph "c":
 47 FY 2004-2005 \$ 2,000,000"
 48 15. Page 15, line 27, by striking the figure
 49 "3,000,000" and inserting the following: "3,500,000".
 50 16. Page 17, line 28, by striking the figure

Page 3

1 "966,960" and inserting the following: "10,966,960".
 2 17. Page 19, line 9, by striking the figure
 3 "440,369" and inserting the following: "465,491".
 4 18. Page 19, line 22, by striking the figure
 5 "71,969" and inserting the following: "76,059".
 6 19. Page 19, by inserting after line 28 the
 7 following:
 8 "Sec. _____. TRANSFER AND DEPOSIT OF SURPLUS MONEYS
 9 IN LOCAL HOUSING ASSISTANCE PROGRAM FUND. The sum of
 10 \$800,000 is transferred from moneys declared by the
 11 Iowa finance authority under section 16.10 to be
 12 surplus moneys to the department of economic
 13 development for deposit in the local housing
 14 assistance program fund created in section 15.354 for
 15 the fiscal year beginning July 1, 2004, and ending
 16 June 30, 2005."
 17 20. Title page, line 4, by inserting after the

18 words "tax fund," the following: "Iowa finance
19 authority surplus moneys,".
20 21. By renumbering, redesignating, and correcting
21 internal references as necessary.

Dix of Butler offered the following amendment [H-8611](#), to amendment [H-8601](#), filed by him from the floor and moved its adoption:

[H-8611](#)

1 Amend the amendment, [H-8601](#), to [House File 2578](#) as
2 follows:
3 1. Page 1, line 25, by striking the figure
4 "2,500,000" and inserting the following:
5 "3,750,000".
6 2. Page 1, by inserting after line 25 the
7 following:
8 "FY 2006-2007..... § 3,750,000
9 It is the intent of the general assembly that the
10 department of management allocate the entire
11 appropriation for the fiscal year beginning July 1,
12 2006, to the department of corrections by July 31,
13 2006."

Amendment [H-8611](#) was adopted.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-8619](#) to amendment [H-8601](#) filed by him and Whitead of Woodbury from the floor.

Cphoon of Des Moines asked and received unanimous consent to withdraw amendment [H-8620](#) to amendment [H-8601](#) filed by him from the floor.

Jacobs of Polk offered the following amendment [H-8625](#), to amendment [H-8601](#), filed by her from the floor and moved its adoption:

[H-8625](#)

1 Amend the amendment, [H-8601](#), to [House File 2578](#) as
2 follows:
3 1. Page 3, by striking lines 12 through 14 and
4 inserting the following: "surplus moneys to the
5 housing trust fund created in section 16.181 for".

Amendment [H-8625](#) was adopted.

Cohon of Des Moines asked and received unanimous consent to withdraw amendment [H-8626](#) to amendment [H-8601](#) filed by him from the floor.

On motion by Huseman of Cherokee amendment [H-8601](#), as amended, was adopted.

Gipp of Winneshiek asked and received unanimous consent that [House File 2578](#) be deferred and that the bill retain its place on the calendar.

COMMITTEE RECOMMENDATION

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

[House File 2580](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Do Pass** April 15, 2004.

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [House File 2580](#).

Regular Calendar

[House File 2580](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, with

report of committee recommending passage, was taken up for consideration.

[SENATE FILE 2308](#) SUBSTITUTED FOR [HOUSE FILE 2580](#)

Roberts of Carroll asked and received unanimous consent to substitute [Senate File 2308](#) for [House File 2580](#).

[Senate File 2308](#), a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2308](#))

The ayes were, 94:

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

The nays were, 2:

Hutter Maddox

Absent or not voting, 4:

Baudler Connors Granzow Wilderdyke

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2302](#) and [Senate File 2308](#).

The House resumed consideration of [House File 2578](#).

Lukan of Dubuque offered amendment [H-8546](#), previously deferred, filed by Hoffman of Crawford as follows:

[H-8546](#)

- 1 Amend [House File 2578](#) as follows:
- 2 1. Page 36, by inserting after line 29, the
- 3 following:
- 4 "DIVISION
- 5 REGULATORY EFFICIENCY COMMISSION
- 6 Sec.____. REGULATORY EFFICIENCY COMMISSION.
- 7 1. A regulatory efficiency commission is
- 8 established for purposes of identifying unneeded
- 9 regulations, fines, and fees that hinder business
- 10 development. The commission shall also identify
- 11 methods for streamlining access to regulatory
- 12 information.
- 13 2. The commission shall consist of seven voting
- 14 members appointed by the governor and four ex officio
- 15 members.
- 16 a. The seven voting members appointed by the
- 17 governor are subject to the requirements of sections
- 18 69.16, 69.16A, and 69.19. The seven members shall
- 19 consist of the following:
- 20 (1) Two members shall be economic development
- 21 representatives from two different chambers of
- 22 commerce. One shall be from a metropolitan area with
- 23 more than fifty thousand people and one shall be from
- 24 a metropolitan area with fifty thousand people or

25 less.

26 (2) Two members representing agricultural
27 interests.

28 (3) One member representing the Iowa association
29 of business and industry.

30 (4) Two members representing commercial-based and
31 manufacturing-based businesses.

32 b. The four ex officio members shall be members of
33 the general assembly. Two members shall be from the
34 senate and two members shall be from the house of
35 representatives, with not more than one member from
36 each chamber being from the same political party. The
37 two senators shall be designated by the president of
38 the senate after consultation with the majority and
39 minority leaders of the senate. The two
40 representatives shall be designated by the speaker of
41 the house of representatives after consultation with
42 the majority and minority leaders of the house of
43 representatives. Legislative members shall serve in
44 an ex officio, nonvoting capacity.

45 3. Meetings of the commission are subject to the
46 provisions of chapter 21.

47 4. By January 10, 2005, the commission shall
48 submit a written report to the governor and the
49 general assembly. The report shall include the
50 findings and legislative recommendations of the

Page 2

1 commission. The report shall be distributed by the
2 secretary of the senate and the chief clerk of the
3 house of representatives to the chairpersons and
4 members of the administrative rules review committee
5 and the economic growth committees in the senate and
6 the house of representatives."

7 2. By renumbering as necessary.

Kuhn of Floyd asked and received unanimous consent to withdraw amendment [H-8624](#) to amendment [H-8546](#) filed by him from the floor.

Kuhn of Floyd offered the following amendment [H-8627](#), to amendment [H-8546](#), filed by him, Hogg of Linn and Whitaker of Van Buren, from the floor and moved its adoption:

[H-8627](#)

1 Amend the amendment, H-8546, to [House File 2578](#) as
2 follows:

3 1. Page 1, line 13, by striking the word "seven"

- 4 and inserting the following: "eight".
 5 2. Page 1, line 16, by striking the word "seven"
 6 and inserting the following: "eight".
 7 3. Page 1, line 18, by striking the word "seven"
 8 and inserting the following: "eight".
 9 4. Page 1, by inserting after line 31 the
 10 following:
 11 "(5) One member representing the Iowa
 12 environmental council."

Amendment [H-8627](#) was adopted.

On motion by Lukan of Dubuque, amendment [H-8546](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([H.F. 2578](#))

The ayes were, 93:

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

The nays were, 3:

Dix Fallon Thomas

Absent or not voting, 4:

Baudler Connors Jones Wilderdyke

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

HOUSE FILE 2580 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw [House File 2580](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2578](#) be immediately messaged to the Senate.

SENATE FILE 2307 REREFERRED

The Speaker announced that [Senate File 2307](#), previously referred to committee on **ways and means** was rereferred to committee on **education**.

MOTION TO RECONSIDER

(Senate File 2298)

I move to reconsider the vote by which amendment [H-8500](#) to [Senate File 2298](#) passed the House on April 12, 2004.

BOAL of Polk

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 14, 2004. Had I been present, I would have voted "nay" on [Senate File 2295](#).

GREIMANN of Story

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on [Senate File 2306](#).

BOAL of Polk

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on [House File 2455](#).

FALLON of Polk

I was necessarily absent from the House chamber on Thursday, April 15, 2004. Had I been present, I would have voted "aye" on [House File 2302](#).

SHOMSHOR of Pottawattamie

BILL ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of April, 2004: [House File 2537](#).

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

Thirty fifth grade students from Ar-We-Va Community School District, Westside, Iowa, accompanied by Carmen Thiedeman. By Roberts of Carroll.

A group of 9th grade students from Southeast Polk Community School District. By Huser of Polk.

COMMUNICATION RECEIVED

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

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Annual report, pursuant to 2C, Code of Iowa.

CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2004\1477 Ron Steele, Waterloo – For being a broadcast journalist for 30 years in the Cedar Valley area and for receiving the key to the city.

AMENDMENTS FILED

H-8575	H.F. 2555	Thomas of Clayton
H-8583	S.F. 2305	Lukan of Dubuque
H-8585	H.F. 2555	Ford of Polk
H-8587	S.F. 2305	Lukan of Dubuque
H-8589	H.F. 2390	Smith of Marshall
H-8602	S.F. 2305	Boddicker of Cedar
H-8606	H.F. 2231	Senate Amendment
H-8608	H.F. 2577	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned at 12:00 a.m., until 9:00 a.m., Friday, April 16, 2004.