

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 6, 2004

Printed daily by the State of Iowa during the sessions of the General Assembly.
An official corrected copy is available for reference in the office of the Chief Clerk.
(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day - Fifty-ninth Session Day

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

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

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

[House File 22](#), a bill for an act relating to the awarding of joint physical care of a child.

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

[House File 561](#), a bill for an act creating the crime of invasion of privacy, and providing a penalty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MICHAEL E. MARSHALL, Secretary

ADOPTION OF [HOUSE RESOLUTION 149](#)

Heaton of Henry and Whitaker of Van Buren called up for consideration [House Resolution 149](#), a resolution encouraging the

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

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

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

The House rose and expressed its welcome.

ADOPTION OF [HOUSE RESOLUTION 142](#)

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

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

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

The House rose and expressed its welcome.

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

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

QUORUM CALL

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Manternach of Jones on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS
Unfinished Business Calendar

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

[SENATE FILE 2121](#) SUBSTITUTED FOR [HOUSE FILE 2348](#)

S. Olson of Clinton asked and received unanimous consent to substitute [Senate File 2121](#) for [House File 2348](#).

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

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

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

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

[H-8407](#)

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

Amendment [H-8407](#) lost.

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

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

The ayes were, 63:

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

The nays were, 36:

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

Absent or not voting, 1:

Manternach

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

[HOUSE FILE 2348](#) WITHDRAWN

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

Regular Calendar

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

Greimann of Story asked and received unanimous consent that amendment [H-8403](#) be deferred.

Lensing of Johnson offered amendment [H-8401](#) filed by her from the floor as follows:

[H-8401](#)

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

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

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

46 707.11 ATTEMPT TO COMMIT MURDER.

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

Page 2

1 actions, the person does any act by which the person
2 expects to set in motion a force or chain of events
3 which will cause or result in the death of the other
4 person or the termination of a human pregnancy.
5 It is not a defense to an indictment for attempt to
6 commit murder that the acts proved could not have
7 caused the death of any person or the termination of a
8 human pregnancy, provided that the actor intended to
9 cause the death of some person or the termination of a
10 human pregnancy by so acting, and the actor's
11 expectations were not unreasonable in the light of the
12 facts known to the actor."

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

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

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

19 5. By renumbering as necessary.

Boddicker of Cedar rose on a point of order that amendment [H-8401](#) was not germane.

The Speaker ruled the point not well taken and amendment [H-8401](#) germane.

On motion by Lensing of Johnson amendment [H-8401](#) lost.

Shultz of Black Hawk asked and received unanimous consent that amendment [H-8400](#) be deferred.

Mascher of Johnson offered amendment [H-8405](#) filed by her from the floor as follows:

[H-8405](#)

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

Foege of Linn rose on a point of order requesting [House File 2558](#) be deferred.

The Speaker ruled the point not well taken.

On motion by Mascher of Johnson, amendment [H-8405](#) lost.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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

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

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

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

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

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

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

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

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

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

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

MICHAEL E. MARSHALL, Secretary

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

AFTERNOON SESSION

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

SPECIAL PRESENTATION

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

The House rose and expressed its welcome.

ADOPTION OF [HOUSE RESOLUTION 160](#)

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

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

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS

Regular Calendar

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

Hunter of Polk offered amendment [H-8402](#) filed by him from the floor as follows:

[H-8402](#)

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

Amendment [H-8402](#) lost.

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

[H-8406](#)

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

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

Amendment [H-8406](#) lost.

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

[H-8404](#)

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

Amendment [H-8404](#) lost.

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

[H-8411](#)

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

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

Amendment [H-8411](#) lost.

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

[H-8412](#)

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

Amendment [H-8412](#) lost.

Mascher of Johnson offered amendment [H-8416](#) filed by her from the floor as follows:

[H-8416](#)

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

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

Horbach of Tama rose on a point of order that amendment [H-8416](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8416](#) not germane.

Mascher of Johnson asked and received unanimous consent that amendment [H-8422](#) be deferred.

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

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

[H-8421](#)

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

Amendment [H-8421](#) lost.

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

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

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

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

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

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

The ayes were, 63:

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

The nays were, 36:

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

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2558](#) and [Senate File 2121](#).

SENATE MESSAGE CONSIDERED

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

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

Ways and Means Calendar

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

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

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

The ayes were, 99:

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

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

The nays were, none.

Absent or not voting, 1:

Manternach

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

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

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

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

The ayes were, 97:

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

Freeman	Frevert	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn
Hanson	Heaton	Heddens	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Klemme	Kramer
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shomshor	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	Wilderdyke	Winckler	Wise
Mr. Speaker			
Rants			

The nays were, 2:

Fallon Hunter

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGES

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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

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

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

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

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

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

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

MICHAEL E. MARSHALL, Secretary

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

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

QUORUM CALL

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

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

Kramer of Polk offered the following amendment [H-8371](#) filed by him and moved its adoption:

[H-8371](#)

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

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

[SENATE FILE 2296](#) SUBSTITUTED FOR [HOUSE FILE 2565](#)

Kramer of Polk asked and received unanimous consent to substitute [Senate File 2296](#) for [House File 2565](#).

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

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

[H-8409](#)

- 1 Amend [Senate File 2296](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:

[H-8409](#) A

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

[H-8409](#) B

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

Shoultz of Black Hawk asked and received unanimous consent that amendment [H-8409A](#) be deferred.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment [H-8409B](#).

Shoultz of Black Hawk moved the adoption of amendment [H-8409A](#), previously deferred.

Amendment [H-8409A](#) lost.

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

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

The ayes were, 97:

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

The nays were and 2:

Fallon Hunter

Absent or not voting and 1:

Manternach

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

HOUSE FILE 2565 WITHDRAWN

Kramer of Polk asked and received unanimous consent to withdraw [House File 2565](#) from further consideration by the House.

HOUSE FILE 2491 WITHDRAWN

Lukan of Dubuque asked and received unanimous consent to withdraw [House File 2491](#) from further consideration by the House.

HOUSE FILE 2477 WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw [House File 2477](#) from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 2296](#) be immediately messaged to the Senate.

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

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

H-8321

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

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

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

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

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

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

Page 2

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

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

The committee amendment [H-8321](#) was adopted.

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

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

The ayes were, 98:

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

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

The nays were, 1:

Fallon

Absent or not voting, 1:

Manternach

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

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

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

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

[H-8399](#)

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

4 clause and inserting the following:
5 "Section 1. Section 47.1, Code Supplement 2003, is
6 amended by adding the following new unnumbered
7 paragraph:
8 NEW UNNUMBERED PARAGRAPH. The state commissioner
9 shall adopt rules pursuant to chapter 17A, for the
10 implementation of uniform and nondiscriminatory
11 administrative complaint procedures for resolution of
12 grievances relating to violations of Title III of Pub.
13 L. No. 107-252. In complaint proceedings in which all
14 of the respondents are local election officials, the
15 presiding officer shall be the state commissioner of
16 elections. In complaint proceedings in which one of
17 the respondents is the state commissioner of
18 elections, the presiding officer shall be a panel
19 consisting of all members of the state voter
20 registration commission appointed pursuant to section
21 47.8, except the state commissioner of elections or
22 the state commissioner's designee.
23 Sec. 2. Section 47.7, subsections 2, 3, and 4,
24 Code Supplement 2003, are amended by striking the
25 subsections and inserting in lieu thereof the
26 following:
27 2. a. On or before January 1, 2006, the state
28 registrar of voters shall implement in a uniform and
29 nondiscriminatory manner, a single, uniform, official,
30 centralized, interactive computerized statewide voter
31 registration file defined, maintained, and
32 administered at the state level that contains the name
33 and registration information of every legally
34 registered voter in the state and assigns a unique
35 identifier to each legally registered voter in the
36 state. The state voter registration system shall be
37 coordinated with other agency databases within the
38 state, including, but not limited to, the department
39 of transportation driver's license records, judicial
40 records of convicted felons and persons declared
41 incompetent to vote, and department of public health
42 records of deceased persons.
43 b. On or after January 1, 2006, a county shall not
44 establish or maintain a voter registration system
45 separate from the state voter registration system.
46 Each county shall provide to the state registrar the
47 names, voter registration information, and voting
48 history of each registered voter in the county in the
49 form required by the state registrar.
50 c. A state or local election official may obtain

Page 2

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

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

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

21 Sec. 3. Section 47.8, Code Supplement 2003, is
22 amended by adding the following new subsection:
23 NEW SUBSECTION. 5. In complaint proceedings held
24 pursuant to section 47.1 in which one of the
25 respondents is the state commissioner of elections,
26 the presiding officer shall be a panel consisting of
27 all members of the state voter registration
28 commission, except the state commissioner of elections
29 or the state commissioner's designee.

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

32 48A.8 REGISTRATION BY MAIL.

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

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

Page 3

1 security number matches an existing state or federal

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

11 a. Utility bill.

12 b. Bank statement.

13 c. Paycheck.

14 d. Government check.

15 e. Other government document.

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

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

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

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

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

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

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

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

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

Page 4

1 adding the following new subsection:
2 NEW SUBSECTION. 2A. The following questions and
3 statement regarding eligibility shall be included on
4 forms that may be used for registration by mail:
5 a. Are you a citizen of the United States of
6 America?
7 b. Will you be eighteen years of age on or before
8 election day?
9 c. If you checked "no" in response to either of
10 these questions, do not complete this form.
11 Sec. 9. Section 48A.11, subsection 5, Code 2003,
12 is amended to read as follows:
13 5. All forms for voter registration shall be
14 prescribed ~~by rule adopted~~ by the state voter
15 registration commission.
16 Sec. 10. Section 48A.11, Code 2003, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 7. A voter registration
19 application lacking the registrant's name, sex, date
20 of birth, or residence address or description shall
21 not be processed. A voter registration application
22 lacking the registrant's driver's license number, Iowa
23 nonoperator's identification card number, or the last
24 four digits of the registrant's social security number
25 shall not be processed. A registrant whose
26 registration is not processed pursuant to this
27 subsection shall be notified pursuant to section
28 48A.26, subsection 3. A registrant who does not have
29 an Iowa driver's license number, an Iowa nonoperator's
30 identification number, or a social security number and
31 who notifies the registrar of such shall be assigned a
32 unique identifying number that shall serve to identify
33 the registrant for voter registration purposes.
34 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF
35 VOTER REGISTRATION INFORMATION.
36 Upon receipt of an application for voter
37 registration by mail, the state registrar of voters
38 shall compare the driver's license number, the Iowa
39 nonoperator's identification card number, or the last
40 four numerals of the social security number provided
41 by the registrant with the records of the state
42 department of transportation. To be verified, the
43 voter registration record shall contain the same name,
44 date of birth, and driver's license or whole or
45 partial social security number as the records of the
46 department of transportation. If the information
47 cannot be verified, the application shall be rejected
48 and the registrant shall be notified of the reason for
49 the rejection. If the information can be verified, a
50 record shall be made of the verification and the

Page 5

1 application shall be accepted.

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

11 This section does not apply to persons entitled to
12 register to vote and to vote pursuant to section
13 48A.5, subsection 4.

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

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

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

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

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

Page 6

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

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

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

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

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

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

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

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

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

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

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

23 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST
 24 PROVISIONAL BALLOT.

25 1. A prospective voter who is prohibited under
 26 section 48A.8, subsection 4, section 49.77, subsection
 27 4, or section 49.80 from voting except under this
 28 section shall be ~~permitted to~~ notified by the
 29 appropriate precinct election official that the voter
 30 may cast a ~~paper~~ provisional ballot. If a booth
 31 meeting the requirement of section 49.25 is not
 32 available at that polling place, the precinct election
 33 officials shall make alternative arrangements to
 34 insure the challenged voter the opportunity to vote in
 35 secret. The marked ballot, folded as required by
 36 section 49.84, shall be delivered to a precinct
 37 election official who shall immediately seal it in an
 38 envelope of the type prescribed by subsection 4. The
 39 sealed envelope shall be deposited in ~~a special an~~
 40 envelope marked ~~"ballots for special precinct"~~
 41 "provisional ballots" and shall be considered as
 42 having been cast in the special precinct established
 43 by section 53.20 for purposes of the postelection
 44 canvass.

45 2. Each person who casts a ~~special~~ provisional
 46 ballot under this section shall receive a printed
 47 statement in substantially the following form:
 48 Your qualifications as a registered voter have been
 49 challenged for the following reasons:

50 I.

Page 8

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

Page 9

1
2 ... Did not present required identification form.
3
4 (signature of precinct
5 election official)
6 The precinct election official shall attach a
7 completed voter registration form from each
8 provisional voter unless the person's registration
9 status is listed in the election register as pending.
10 Sec. 19. Section 49.98, Code 2003, is amended to
11 read as follows:
12 49.98 COUNTING BALLOTS.
13 The ballots shall be counted according to the
14 voters' marks on them as provided in sections 49.92 to
15 49.97, and not otherwise. If, for any reason, it is
16 impossible to determine from a ballot, as marked, the
17 choice of the voter for any office, the vote for that
18 office shall not be counted. When there is a conflict
19 between a straight party or organization vote for one
20 political party or nonparty political organization and
21 the vote cast by marking the voting target next to the
22 name of a candidate for another political party or
23 nonparty political organization on the ballot, the
24 mark next to the name of the candidate shall be held
25 to control, and the straight party or organization
26 vote in that case shall not apply as to that office.
27 ~~Any ballot shall be rejected if it is marked in any~~
28 ~~other manner than authorized in sections 49.92 to~~
29 ~~49.97.~~ A ballot shall be rejected if the voter used a
30 mark to identify the voter's ballot. For each voting
31 system, the state commissioner shall, by rule adopted
32 pursuant to chapter 17A, develop uniform definitions
33 of what constitutes a vote.
34 Sec. 20. Section 50.20, Code 2003, is amended to
35 read as follows:
36 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL
37 BALLOTS.
38 The commissioner shall compile a list of the number
39 of ~~special~~ provisional ballots cast under section
40 49.81 in each precinct. The list shall be made
41 available to the public as soon as possible, but in no
42 case later than nine o'clock a.m. on the second day
43 following the election. Any elector may examine the
44 list during normal office hours, and may also examine
45 the affidavit envelopes bearing the ballots of
46 challenged electors until the reconvening of the
47 special precinct board as required by this chapter.
48 Only those persons so permitted by section 53.23,
49 subsection 4, shall have access to the affidavits
50 while that board is in session. Any elector may

Page 10

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

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

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

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

24 52.2 PURCHASE.

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

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

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

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

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

Page 11

1 forces of the United States may request ballots for
2 all elections to be held ~~within a calendar year~~
3 through the next two general elections. The request
4 may be made by using the federal postcard application
5 form and indicating that the applicant wishes to
6 receive ballots for all elections as permitted by
7 state law. The county commissioner shall send the
8 applicant a ballot for each election held ~~during the~~
9 ~~calendar year in which~~ after the application is
10 received and through the next two general elections.

11 The commissioner shall forward a copy of the absentee
12 ballot request to other commissioners who are
13 responsible under section 47.2, subsection 2, for
14 conducting elections in which the applicant is
15 eligible to vote.

16 Sec. 25. Section 53.53, Code 2003, is amended by
17 adding the following new unnumbered paragraphs:

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

38 NEW UNNUMBERED PARAGRAPH. The county commissioner
39 shall notify a voter when the voter's federal write-in
40 ballot was not counted and shall give the voter the
41 reason the ballot was not counted.

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

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

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

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

The ayes were, 46:

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

The nays were, 53:

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

Absent or not voting, 1:

Manternach

Amendment [H-8399](#) lost.

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

[H-8398](#)

1 Amend [Senate File 2269](#), as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 14.
4 2. Page 14, line 3, by inserting after the word
5 "~~required.~~" the following: "The form prescribed by
6 the commissioner shall be prepared in triplicate with
7 instructions printed on the form directing the
8 applicant to deliver the original to the county
9 commissioner and to retain the duplicate. If the
10 application was supplied to the applicant by someone
11 other than the county commissioner or the
12 commissioner's designee, the triplicate shall be
13 retained by the individual or organization who
14 supplied the ballot application to the applicant."
15 3. By striking page 14, line 18 through page 15,
16 line 10.
17 4. By striking page 15, line 28, through page 16,
18 line 23, and inserting the following:
19 "Sec. ____ NEW SECTION. 53.17A RECEIPT REQUIRED
20 FOR RETURN OF VOTED ABSENTEE BALLOTS.
21 When a voted absentee ballot is returned to the
22 commissioner by a person acting as an actual or
23 implied agent for a political party, candidate, or
24 committee, as defined by chapter 68A, the person shall
25 issue to the voter a receipt for the voted absentee
26 ballot.
27 The receipt shall contain the following
28 information:
29 1. The name of the voter.
30 2. The date and time the voted absentee ballot was
31 received from the voter.
32 3. The name and date of the election for which the
33 absentee ballot is being voted.
34 4. The name of the political party, candidate, or
35 committee for whom the person is returning the voted
36 absentee ballot.
37 5. The name of the person acting as an actual or
38 implied agent for the political party, candidate, or
39 committee.
40 6. A statement that the voted absentee ballot will
41 be delivered to the appropriate commissioner before
42 the polls close on election day.
43 The state commissioner shall prescribe a form for
44 receipts required by this section. The form
45 prescribed by the commissioner shall be prepared in
46 triplicate with instructions printed on the form
47 directing the voter to include the original with the
48 voted absentee ballot delivered to the county
49 commissioner and to retain the duplicate. If the
50 voted ballot is delivered to the commissioner by

Page 2

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

Amendment [H-8398](#) lost.

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

[H-8426](#)

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

36 Sec. ____ Section 46.21, unnumbered paragraph 1,
37 Code 2003, is amended to read as follows:
38 At least sixty-nine days before each judicial
39 election, the state commissioner of elections shall
40 certify to the county commissioner of elections of
41 each county a list of the judges of the supreme court,
42 court of appeals, and district court including
43 district associate judges, full-time associate
44 juvenile judges, and full-time associate probate
45 judges, and clerks of the district court to be voted
46 on in each county at that election. The county
47 commissioner of elections shall place the names upon
48 the ballot in the order in which they appear in the
49 certificate, ~~unless only one county is voting thereon.~~
50 The state commissioner of elections shall rotate the

Page 2

1 names in the certificate by county, ~~or the county~~
2 ~~commissioner of elections shall rotate them upon the~~
3 ~~ballot by precinct if only one county is voting~~
4 ~~thereon.~~ The names of all judges and clerks to be
5 voted on shall be placed upon one ballot, which shall
6 be in substantially the following form:"
7 3. Page 9, by inserting after line 12 the
8 following:
9 "Sec. ____ Section 49.14, subsection 1, Code 2003,
10 is amended to read as follows:
11 1. The commissioner may appoint substitute
12 precinct election officials as alternates for election
13 board members. ~~A majority of the original election~~
14 ~~board members shall be present at the precinct polling~~
15 ~~place at all times; However, at partisan elections~~
16 ~~such the majority of election board members at the~~
17 ~~precinct polling place shall include at least one~~
18 ~~precinct election official from each political party.~~
19 ~~If the chairperson leaves the polling place, the~~
20 ~~chairperson shall designate another member of the~~
21 ~~board to serve as chairperson until the chairperson~~
22 ~~returns.~~ The responsibilities and duties of a
23 precinct election official, ~~other than the~~
24 ~~chairperson~~, present at the time the polling place was
25 opened on the day of an election may be assumed at any
26 later time that day by a substitute appointed as an
27 alternate. The substitute shall serve either for the
28 balance of that election day or for any shorter period
29 of time the commissioner may designate.
30 Sec. ____ Section 49.26, subsection 2, Code 2003,
31 is amended to read as follows:
32 2. When voting machines are available for an
33 election precinct, the commissioner shall determine in
34 advance of each election conducted for a city of three

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

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

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

Page 3

1 judges, or public measures.

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

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

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

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

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

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

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

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

30 50.9 RETURN OF BALLOTS NOT VOTED.

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

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

42 5. Page 13, by inserting after line 8 the
43 following:
44 "Sec. ____ Section 50.25, subsection 7, Code 2003,
45 is amended by striking the subsection and inserting in
46 lieu thereof the following:

47 7. County offices."

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

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

Page 4

1 read as follows:

2 52.7 CONSTRUCTION OF MACHINE APPROVED.

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

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

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

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

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

32 a. The voting machine is a direct recording

33 electronic voting system.

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

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

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

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

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

Page 5

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

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

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

25 8. Page 18, by inserting after line 4 the
26 following:
27 "Sec. _____. Section 376.11, unnumbered paragraphs
28 1, 3, 4, and 5, Code 2003, are amended to read as
29 follows:

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

32 sufficient number of write-in votes to be elected to a
33 city office shall be declared the winner of the
34 election. If a person who was elected by write-in
35 votes chooses not to serve in that office the person
36 shall submit a resignation in writing to the city
37 clerk not later than five ~~o'clock~~ p.m. on the tenth
38 day following the canvass of the election. If a
39 person who was elected by write-in votes resigns at a
40 later time, the office shall be considered vacant at
41 the end of the term and the council shall fill the
42 vacancy pursuant to the provisions of section 372.13,
43 subsection 2.

44 In city primary elections any person who receives
45 write-in votes shall execute an affidavit in
46 substantially the form required by section 45.3, and
47 file it with the county commissioner of elections or
48 the city clerk not later than five ~~o'clock~~ p.m. on the
49 fourth day ~~after~~ following the canvass of the primary
50 election. If any person who received write-in votes

Page 6

1 fails to file the affidavit at the time required, the
2 county commissioner shall disregard the write-in votes
3 cast for that person. A notation shall be made on the
4 abstract of votes showing which persons who received
5 write-in votes filed affidavits. The total number of
6 votes cast for each office on the ballot shall be
7 amended by subtracting the write-in votes of those
8 candidates who failed to file the affidavit. It is
9 not necessary for a candidate whose name was printed
10 upon the ballot to file an affidavit. Of the
11 remaining candidates, those who receive the highest
12 number of votes to the extent of twice the number of
13 unfilled positions shall be placed on the ballot for
14 the regular city election as candidates for that
15 office.

16 In cities in which the city council has chosen a
17 runoff election in lieu of a primary, if a person who
18 was elected by write-in votes chooses not to accept
19 the office by filing a resignation notice with the
20 city clerk or commissioner of elections not later than
21 five ~~o'clock~~ p.m. on the fourth day following the
22 canvass, all remaining persons who received write-in
23 votes and who wish to be considered candidates for the
24 runoff election shall execute an affidavit in
25 substantially the form required by section 45.3 and
26 file it with the county commissioner or the city clerk
27 not later than five ~~o'clock~~ p.m. of the fourth day
28 following the canvass. If a person receiving write-in
29 votes fails to file the affidavit at the time
30 required, the county commissioner of elections shall

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

Page 7

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

Amendment [H-8426](#) lost.

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

[H-8429](#)

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

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

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

23 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 38, nays 44.

Amendment [H-8429](#) lost.

Fallon of Polk offered the following amendment [H-8358](#) filed by
him and moved its adoption:

[H-8358](#)

1 Amend [Senate File 2269](#), as passed by the Senate, as
2 follows:

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

5 "Sec. _____. Section 52.1, subsection 2, paragraph
6 h, Code 2003, is amended to read as follows:

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

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

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

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

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

Page 2

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

Amendment [H-8358](#) was adopted.

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

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

[H-8428](#)

1 Amend [Senate File 2269](#), as passed by the Senate, as

2 follows:
3 1. Page 16, by inserting after line 4, the
4 following:
5 "Sec. ____ Section 53.9, Code Supplement 2003, is
6 amended to read as follows:
7 53.9 PROHIBITED PERSONS.
8 No person required to file reports under chapter
9 68A, and no person acting as an actual or implied
10 agent for a person required to file reports under
11 chapter 68A, shall receive absentee ballots on behalf
12 of voters. This prohibition does not apply to section
13 53.17, except that a person named on the ballot as a
14 candidate for an election is prohibited from
15 delivering or mailing to the commissioner a completed
16 absentee ballot, other than the candidate's own
17 completed absentee ballot, for that election."
18 2. By renumbering as necessary.

Amendment [H-8428](#) lost.

Jacobs of Polk offered amendment [H-8366](#) filed by her as follows:

[H-8366](#)

1 Amend [Senate File 2269](#), as passed by the Senate, as
2 follows:
3 1. Page 16, by striking lines 5 through 23 and
4 inserting the following:
5 "Sec. ____ Section 53.17, Code 2003, is amended to
6 read as follows:
7 53.17 MAILING OR DELIVERING BALLOT.
8 1. The sealed envelope containing the absentee
9 ballot shall be enclosed in a carrier envelope which
10 shall be securely sealed. The sealed carrier envelope
11 shall be returned to the commissioner by one of the
12 following methods:
13 ~~1. a.~~ The sealed carrier envelope may be delivered
14 by the registered voter, by the special precinct
15 election officials designated pursuant to section
16 53.22, subsection 1, or by the voter's designee if the
17 absentee ballot is voted by a voter described in
18 section 53.22, subsection 5, to the commissioner's
19 office no later than the time the polls are closed on
20 election day, except as otherwise provided in
21 subsection 4.
22 ~~2. b.~~ The sealed carrier envelope may be mailed to
23 the commissioner by the registered voter, by an
24 immediate family member of the voter, or by the
25 voter's designee if the ballot is voted by a voter
26 described in section 53.22, subsection 5. The carrier
27 envelope shall indicate that greater postage than

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

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

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

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

Page 2

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

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

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

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

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

Page 3

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

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

[H-8430](#)

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

15 Code 2003, is amended by adding the following new
 16 subparagraph:
 17 NEW SUBPARAGRAPH. (4) Violates any part of
 18 section 53.17, subsection 4."
 19 2. Page 2, by striking lines 46 through 48, and
 20 inserting the following: "election misconduct in the
 21 second degree, pursuant to section 39A.3, subsection
 22 1, paragraph "a", subparagraph (4)."
 23 3. By renumbering as necessary.

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

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

The ayes were, 46:

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

The nays were, 53:

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

Absent or not voting, 1:

Manternach

Amendment [H-8430](#) lost.

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

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

[H-8424](#)

- 1 Amend the amendment, [H-8366](#), to [Senate File 2269](#),
- 2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 3, the
- 4 following:
- 5 "____. Page 1, line 5, by inserting after the word
- 6 "voter," the following: "a person designated by the
- 7 voter to return the ballot on election day only,".
- 8 ____ Page 1, line 12, by inserting after the word
- 9 "voter," the following: "a person designated by the
- 10 voter to return the ballot on election day only,".
- 11 ____ Page 16, line 4, by inserting after the word
- 12 "day." the following: "The statement shall also point
- 13 out that if the ballot is delivered to the
- 14 commissioner's office on election day, the applicant
- 15 may designate any person to deliver the completed
- 16 ballot to the commissioner's office."
- 17 2. Page 1, by inserting after line 34, the
- 18 following:
- 19 "d. The sealed carrier envelope may be delivered
- 20 to the commissioner's office on election day by any
- 21 person designated by the voter."

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

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

The ayes were, 46:

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

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

The nays were, 53:

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

Absent or not voting, 1:

Manternach

Amendment [H-8424](#) lost.

Jacobs of Polk asked and received unanimous consent that amendment [H-8425](#), to amendment [H-8366](#) be deferred.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

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

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

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

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

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

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

[H-8367](#)

- 1 Amend [House File 2193](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 8 and
- 4 inserting the following: "course of at least forty
- 5 clock hours of training, or one and three-quarters
- 6 semester credit hours or the equivalent thereof as
- 7 determined pursuant to administrative rule and
- 8 regulations promulgated by the United States
- 9 department of education, relating to manicuring in a
- 10 licensed school of".
- 11 2. Page 1, by striking lines 17 through 20 and
- 12 inserting the following: "clock hours, or seventy
- 13 semester credit hours or the equivalent thereof as
- 14 determined pursuant to administrative rule and
- 15 regulations promulgated by the United States
- 16 department of education. The clock hours, and
- 17 equivalent number of semester credit hours or the
- 18 equivalent thereof as determined pursuant to
- 19 administrative rule and regulations promulgated by the
- 20 United States department of education, of a course of
- 21 study required for licensure".

The motion prevailed and the House concurred in the Senate amendment [H-8367](#).

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

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

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2193](#) and [Senate File 443](#) be immediately messaged to the Senate.

INTRODUCTION OF BILL

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

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

SENATE MESSAGES CONSIDERED

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

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

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

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

SENATE AMENDMENT CONSIDERED

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

[H-8363](#)

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

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

The motion prevailed and the House concurred in the Senate amendment [H-8363](#).

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

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

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Manternach

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

SENATE AMENDMENT CONSIDERED

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

[H-8354](#)

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

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

Page 2

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

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

Page 3

1 that sampling day. A valid sampling week consists of
2 at least six valid sampling days in a period of seven
3 consecutive days. A valid sampling month is a
4 calendar month in which at least seventy-five percent
5 of the days of the month are valid sampling days."
6 10. Page 7, line 13, by striking the word
7 "operating" and inserting the following: "operation".
8 11. Page 7, by striking lines 34 and 35 and
9 inserting the following: "particular airborne
10 pollutant, for a specific type or phase of animal
11 production system commonly used in this state and for
12 a specific type of manure storage or treatment system
13 commonly used at such animal production systems if all
14 of the".
15 12. Page 8, by striking lines 4 and 5 and
16 inserting the following: "pollutant from that type or
17 phase of animal production system commonly used in
18 this state and that type of manure storage or
19 treatment system commonly used at such animal
20 production systems is present at separated locations
21 at levels".
22 13. Page 8, by striking lines 12 and 13 and
23 inserting the following: "that the airborne pollutant
24 from a specific type or phase of animal production
25 system commonly used in this state and a specific type
26 of manure storage or treatment system commonly used at
27 such animal production systems is present at".
28 14. Page 10, by striking line 3 and inserting the
29 following: "level. If the notice is for a violation
30 of the short-term minimal risk level for an airborne
31 pollutant that is hydrogen sulfide or ammonia, the
32 notice shall expire one hundred eighty days from the
33 date of its issuance. If the notice is for any other
34 violation of a minimal risk level or health effect
35 level for odor, the notice shall expire one year from

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

Page 4

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

The motion prevailed and the House concurred in the Senate amendment [H-8354](#).

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

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

The ayes were, 65:

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

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

The nays were, 34:

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

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2527](#) be immediately messaged to the Senate.

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

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

[H-8438](#)

- 1 Amend the amendment, [H-8366](#), to [Senate File 2269](#),
2 as passed by the Senate, as follows:
- 3 1. Page 1, by inserting before line 3, the
4 following:
5 "____. Page 1, line 5, by inserting after the word
6 "voter," the following: "an absentee ballot
7 courier,"."
8 _____. Page 1, line 12, by inserting after the word
9 "voter," the following: "an absentee ballot
10 courier,".
- 11 2. Page 1, by inserting before line 3 the
12 following:
13 "____. Page 16, line 4, by inserting after the
14 word "day." the following: "The statement shall also
15 point out that it is possible for an absentee ballot
16 courier to personally deliver the completed absentee
17 ballot to the office of the commissioner before the
18 closing of the polls on election day."
- 19 3. Page 2, line 7, by striking the word
20 "represents" and inserting the following: "acts as an
21 actual or implied agent of".
- 22 4. Page 2, line 17, by striking the words "the
23 person represents" and inserting the following: "for
24 which the person is acting as an actual or implied
25 agent".
- 26 5. Page 2, line 20, by striking the word
27 "commissioner." and inserting the following:
28 "commissioner or within seventy-two hours of
29 completing the training required in paragraph "c".
30 However, after completing training, a person is
31 immediately eligible to act as a courier."
- 32 6. Page 2, by striking line 30, and inserting the
33 following: "the respective state or county central
34 committees, or those committees' designees. The".
- 35 7. Page 2, by striking lines 37 through 40, and
36 inserting the following: "The state commissioner
37 shall prescribe a form for receipts required by this
38 subsection. The receipt shall include all of the
39 following:
- 40 (1) The name of the courier.
41 (2) The date and time the voted absentee ballot
42 was received from the voter.
43 (3) The name and date of the election for which
44 the absentee ballot is being voted.
45 (4) The name of the political party, candidate, or
46 committee for which the courier is acting as an actual
47 or implied agent.
48 (5) A statement that the completed absentee ballot
49 will be delivered to the commissioner's office within
50 seventy-two hours or at any time before the closing of

Page 2

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

Amendment [H-8438](#) lost.

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

[H-8425](#)

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

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

Amendment [H-8425](#) was adopted.

On motion by Jacobs of Polk amendment [H-8366](#), as amended, was adopted.

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

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

The ayes were, 53:

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

The nays were, 46:

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

Stevens
Thomas
Winckler

Swaim
Wendt
Wise

Taylor, D.
Whitaker

Taylor, T.
Whitead

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2269](#) be immediately messaged to the Senate.

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

Unfinished Business Calendar

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

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

[H-8323](#)

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

The committee amendment [H-8323](#) was adopted.

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

[H-8437](#)

1 Amend [Senate File 2279](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, line 8, by inserting after the word
 4 "petition." the following: "A petition requesting
 5 establishment of a satellite absentee voting station
 6 shall also list the precincts for which the
 7 commissioner is to provide ballots at the satellite
 8 absentee voting station."

Amendment [H-8437](#) was adopted.

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

[H-8353](#)

1 Amend [Senate File 2279](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 19 through 25 and
 4 inserting the following:
 5 "b. In a city with a population of ten thousand or
 6 more, two hundred eligible electors."

Amendment [H-8353](#) lost.

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

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

The ayes were, 53:

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

The nays were, 46:

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

Absent or not voting, 1:

Manternach

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2279](#) be immediately messaged to the Senate.

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

EVENING SESSION

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

[SENATE FILE 2026](#) REREFERRED

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

MOTION TO RECONSIDER

[\(House File 2523\)](#)

I move to reconsider the vote by which [House File 2523](#) passed the House on April 6, 2004.

GIPP of Winneshiek

EXPLANATIONS OF VOTE

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

GRANZOW of Hardin

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

GRANZOW of Hardin

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

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

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

PRESENTATION OF VISITORS

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

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

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

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

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

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

SUBCOMMITTEE ASSIGNMENTS

[Senate File 2026](#)

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

[Senate File 2289](#)

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

[Senate File 2295](#)

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

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON GOVERNMENT OVERSIGHT

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

Fiscal Note is not required.

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

COMMITTEE ON WAYS AND MEANS

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-8442](#)** April 6, 2004.

RESOLUTION FILED

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

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-8392</u>	<u>S.F.</u>	<u>2298</u>	Hutter of Scott
<u>H-8393</u>	<u>S.F.</u>	<u>2298</u>	Osterhaus of Jackson
			Heaton of Henry
<u>H-8394</u>	<u>H.F.</u>	<u>2262</u>	Senate Amendment
<u>H-8395</u>	<u>H.F.</u>	<u>2462</u>	Senate Amendment
<u>H-8396</u>	<u>H.F.</u>	<u>2200</u>	Senate Amendment
<u>H-8397</u>	<u>S.F.</u>	<u>2298</u>	Hoffman of Crawford
<u>H-8408</u>	<u>S.F.</u>	<u>2298</u>	Hutter of Scott
<u>H-8413</u>	<u>S.F.</u>	<u>2298</u>	Tymeson of Madison
<u>H-8414</u>	<u>S.F.</u>	<u>2298</u>	Reasoner of Union
			Berry of Black Hawk
			Cohoon of Des Moines
			Dandekar of Linn
			Fallon of Polk
			Ford of Polk
			Gaskill of Wapello
			Heddens of Story
			Hunter of Polk
			Jacoby of Johnson
			Kuhn of Floyd
			Lykam of Scott
			McCarthy of Polk
			Miller of Webster
			Oldson of Polk
			Osterhaus of Jackson
			Quirk of Chickasaw
			Shoultz of Black Hawk
			Stevens of Dickinson
			D. Taylor of Linn
			Thomas of Clayton
			Whitaker of Van Buren
			Winckler of Scott
			Mertz of Kossuth
			Berry of Black Hawk
			Cohoon of Des Moines
			Dandekar of Linn
			Fallon of Polk
			Ford of Polk
<u>H-8415</u>	<u>S.F.</u>	<u>2298</u>	
			Bell of Jasper
			Bukta of Clinton
			Connors of Polk
			Davitt of Warren
			Foege of Linn

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

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