

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 13, 2004

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JOURNAL OF THE HOUSE

Ninety-third Calendar Day - Sixty-third Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 13, 2004

The House met pursuant to adjournment at 8:48 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Robert Wallace, pastor of the Nazareth Lutheran Church, Cedar Falls. He was the guest of Representative Ervin Dennis from Black Hawk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 12, 2004 was approved.

The House stood at ease at 8:52 a.m., until the fall of the gavel.

The House resumed session at 11:04 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wilderdyke of Harrison, until his return, on request of Gipp of Winneshiek.

CONSIDERATION OF BILLS Ways and Means Calendar

House File 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 2572](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

Appropriations Calendar

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

De Boef of Keokuk offered amendment **[H-8503](#)** filed by her as follows:

[H-8503](#)

- 1 Amend [House File 2573](#) as follows:
- 2 1. Page 14, by inserting after line 25, the
- 3 following:
- 4 "Sec.____. Section 170.3, Code Supplement 2003, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 3. The department of agriculture
- 7 and land stewardship shall provide for the inspection,
- 8 slaughter, and processing of farm deer and meat food
- 9 products derived from farm deer under chapter 189A.
- 10 Sec.____. NEW SECTION. 170.4A CHRONIC WASTING
- 11 DISEASE – MONITORING PROGRAM.
- 12 The department may administer a voluntary chronic
- 13 wasting disease program. As part of the program, the
- 14 department may provide for the testing and monitoring
- 15 of farm deer pursuant to rules adopted by the
- 16 department. The department may also adopt rules
- 17 establishing fees imposed upon persons participating
- 18 in the program. The fees shall be treated as
- 19 repayment receipts as defined in section 8.2 and shall
- 20 be used exclusively by the department for the
- 21 administration of this chapter."
- 22 2. Page 14, by inserting after line 30 the
- 23 following:
- 24 "Sec.____. Section 189A.7, Code 2003, is amended
- 25 by adding the following new subsection:
- 26 NEW SUBSECTION. 13. Adopt rules providing a fee
- 27 schedule for the inspection, slaughter, and processing
- 28 of farm deer and meat food products derived from farm
- 29 deer under chapter 170. The fees shall be treated as
- 30 repayment receipts as defined in section 8.2 and shall
- 31 be used exclusively by the department for the
- 32 administration of chapter 170."
- 33 3. By renumbering as necessary.

Murphy of Dubuque rose on a point of order that amendment [H-8503](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8503](#) not germane.

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

On the question "Shall the bill pass?" ([H.F. 2573](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Wilderdike

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

Ways and Means Calendar

[Senate File 2026](#), a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program, with report of committee recommending amendment and passage, was taken up for consideration.

J.K. Van Fossen of Scott offered the following amendment [H-8442](#) filed by the committee on ways and means and moved its adoption:

[H-8442](#)

- 1 Amend [Senate File 2026](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 4 and 5, by striking the words
- 4 "a partial exception on".
- 5 2. Page 1, line 10, by striking the word
- 6 "partial".
- 7 3. Page 1, line 21, by inserting after the figure
- 8 "2005," the following: "through December 31, 2005,".
- 9 4. Page 1, line 24, by inserting after the figure
- 10 "2005," the following: "through December 31, 2005,".
- 11 5. Page 1, by inserting after line 25 the
- 12 following:
- 13 "(3) If the date of the utility billing or meter
- 14 reading cycle of the residential customer for the sale
- 15 or furnishing of metered gas and electricity is on or
- 16 after January 1, 2006, or if the sale, furnishing, or
- 17 service of fuel for purposes of residential energy and
- 18 the delivery of the fuel occurs on or after January 1,
- 19 2006, the rate of tax is zero percent of the sales
- 20 price."
- 21 6. Page 1, line 26, by striking the word
- 22 "partial".
- 23 7. By striking page 1, line 29 through page 2,
- 24 line 22.
- 25 8. Title page, line 1, by striking the word
- 26 "reduction" and inserting the following: "phaseout".
- 27 9. Title page, by striking lines 3 and 4 and
- 28 inserting the following: "residential customers."

The committee amendment [H-8442](#) was adopted.

J.K. Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 2026](#))

The ayes were, 97:

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

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

The nays were, none.

Absent or not voting, 3:

De Boef Mertz Wilderdyke

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2572](#) and [Senate File 2026](#).

Appropriations Calendar

[Senate File 2153](#), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, with report of committee recommending passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment [H-8509](#) filed by him from the floor and moved its adoption:

[H-8509](#)

1 Amend [Senate File 2153](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 11 through 16 and
 4 inserting the following: "encumbered funds, the
 5 governor may request that the executive council,
 6 pursuant to the authority of section 7D.29, commit
 7 sufficient funds, up to one million dollars, that are
 8 not otherwise encumbered from the general fund, as
 9 needed and available, for the disaster or the
 10 emergency. If additional financial assistance is
 11 required in excess of one million dollars, approval by
 12 the legislative council is also required."

Amendment [H-8509](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2153](#))

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Huseman Wilderdyke

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

Unfinished Business Calendar

[Senate File 2209](#), a bill for an act relating to the content of immunizations, and making a penalty applicable, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment [H-8451](#) filed by him on April 8, 2004.

Boddicker of Cedar offered the following amendment [H-8479](#) filed by him and Upmeyer of Hancock and moved its adoption:

[H-8479](#)

- 1 Amend [Senate File 2209](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking the figure "2005"
- 4 and inserting the following: "2006".
- 5 2. Page 1, by striking lines 5 and 6, and
- 6 inserting the following: "more than trace amounts of
- 7 mercury."
- 8 3. Page 1, by striking lines 13 through 17.
- 9 4. Page 1, line 20, by striking the words "and
- 10 declared".
- 11 5. Page 1, line 21, by inserting after the word
- 12 "health." the following: "If an emergency or epidemic
- 13 is determined to exist by the director of public
- 14 health under this subsection, the director of public
- 15 health shall notify the state board of health, the
- 16 governor, and the legislative council, and shall
- 17 notify the public upon request."
- 18 6. Page 1, line 23, by striking the words "OR
- 19 OTHER PRESERVATIVES".
- 20 7. Page 1, line 26, by striking the figure "2005"
- 21 and inserting the following: "2006".
- 22 8. Page 1, by striking lines 29 through 34, and
- 23 inserting the following: "at the acquisition cost
- 24 rate for immunizations containing no more than trace
- 25 amounts of mercury. For the purposes of this section,

26 "trace amounts" means trace amounts as defined by the
 27 United States food and drug administration."
 28 9. By renumbering as necessary.

Amendment [H-8479](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2209](#))

The ayes were, 91:

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

The nays were, 8:

Heaton	Jenkins	Miller	Osterhaus
Shomshor	Shoultz	Watts	Wendt

Absent or not voting, 1:

Wildurdyke

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

Ways and Means Calendar

Senate File 2270, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, with report of committee recommending passage, was taken up for consideration.

Tjepkes of Webster offered the following amendment **H-8357** filed by him and moved its adoption:

H-8357

1 Amend **Senate File 2270**, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 "Sec. 101. Section 331.605C, subsections 2, 3, and
 6 4, Code Supplement 2003, are amended to read as
 7 follows:
 8 2. Beginning July 1, 2004, the recorder shall
 9 collect a fee of one dollar for each recorded
 10 transaction, regardless of the number of pages, for
 11 which a fee is paid pursuant to section 331.604 to be
 12 used for the purpose of ~~paying the county's ongoing~~
 13 ~~costs of maintaining the systems developed and~~
 14 ~~implemented under set forth in subsection 4 4.~~
 15 3. The county treasurer, on behalf of the
 16 recorder, shall establish and maintain ~~an interest-~~
 17 ~~bearing account~~ a county recorder's electronic
 18 transaction fund into which all moneys collected
 19 pursuant to subsections 1 and 2 shall be deposited.
 20 Interest earned on moneys deposited in this fund shall
 21 be computed based on the average monthly balance in
 22 the fund and shall be credited to the county
 23 recorder's electronic transaction fund.
 24 4. The local ~~electronic~~ government electronic
 25 transaction fund is established in the office of the
 26 treasurer of state under the control of the treasurer
 27 of state. Moneys deposited into the fund are not
 28 subject to section 8.33. Notwithstanding section
 29 12C.7, interest or earnings on moneys in the local
 30 ~~electronic~~ government electronic transaction fund
 31 shall be credited to the fund. Moneys in the local
 32 ~~electronic~~ government electronic transaction fund are

33 not subject to transfer, appropriation, or reversion
34 to any other fund, or any other use except as provided
35 in this subsection. ~~The treasurer of state shall~~
36 ~~enter into a contract with the Iowa state association~~
37 ~~of counties affiliate representing county recorders to~~
38 ~~hold the fund for the development, implementation, and~~
39 ~~maintenance of a statewide internet website for~~
40 ~~purposes of providing electronic access to records and~~
41 ~~information recorded or filed by county recorders. On~~
42 a monthly basis, the county treasurer shall pay ~~one~~
43 ~~dollar~~ of each fee collected pursuant to subsection ~~1~~
44 ~~2~~ to the treasurer of state for deposit into the local
45 ~~electronic~~ government electronic transaction fund.
46 Moneys credited to the local ~~electronic~~ government
47 electronic transaction fund are appropriated to the
48 treasurer of state to be used for ~~contract costs~~ the
49 purpose of paying the ongoing costs of maintaining the
50 statewide internet website developed and implemented

Page 2

1 under subsection 1. This subsection is repealed June
2 30, 2004.
3 Sec. 102. Section 331.605C, subsection 5, Code
4 Supplement 2003, is amended by striking the
5 subsection."
6 2. Page 1, by inserting after line 31 the
7 following:
8 "Sec. ____ EFFECTIVE DATE. Sections 101 and 102
9 of this Act, being deemed of immediate importance,
10 take effect upon enactment."
11 3. Title page, line 2, by inserting after the
12 word "recorded" the following: "and electronic".
13 4. Title page, line 3, by inserting after the
14 word "recorder" the following: "and providing an
15 effective date".
16 5. By renumbering as necessary.

Amendment [H-8357](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2270](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 2573](#), and **Senate Files 2153, 2209 and 2270**.

On motion by Gipp of Winneshiek, the House was recessed at 12:07 p.m., until completion of the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 4:25 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2481](#), a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2505](#), a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

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

Also: That the Senate has on April 13, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 108](#), a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

Also: That the Senate has on April 13, 2004, adopted the following resolution in which the concurrence of the Senate was asked:

[House Concurrent Resolution 123](#), a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

Also: That the Senate has on April 13, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

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

Also: That the Senate has on April 13, 2004, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

[Senate File 2282](#), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

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

CONFERENCE COMMITTEE APPOINTED ([House File 2434](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [House File 2434](#): Baudler of Adair, Chair; Heddens of Story, Klemme of Plymouth, Quirk of Chickasaw and Tjepkes of Webster.

HOUSE FILES WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw the following House Files from further consideration by the House:

[House File 2055](#)
[House File 2271](#)
[House File 2435](#)
[House File 2443](#)
[House File 2444](#)
[House File 2457](#)

[House File 2483](#)
[House File 2488](#)
[House File 2494](#)
[House File 2502](#)
[House File 2540](#)

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration [House File 2489](#), a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate

insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8435](#):

[H-8435](#)

1 Amend [House File 2489](#), as passed by the House, as
2 follows:
3 1. Page 20, by inserting after line 25, the
4 following:
5 "Sec. _____. **NEW SECTION. 514A.3A REFUND OF**
6 **UNEARNED PREMIUM UPON DEATH OF INSURED.**
7 In the event of the death of the insured of any
8 policy covered by this chapter, the insurer, upon
9 receipt of notice of the insured's death supported by
10 a certified copy of a valid death certificate and a
11 request for a pro rata refund by a party entitled to
12 claim such a refund, shall refund the unearned premium
13 prorated to the month of the insured's death. Refund
14 of the premium and termination of the coverage shall
15 be without prejudice to any claim originating prior to
16 the date of the insured's death. The commissioner of
17 insurance shall adopt by rule the minimum amount
18 required for issuance of a refund."
19 2. Title page, line 7, by inserting after the
20 word "association;" the following: "refunds of
21 unearned premium;"

The motion prevailed and the House concurred in the Senate amendment [H-8435](#).

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

On the question "Shall the bill pass?" ([H.F. 2489](#))

The ayes were, 97:

Alons

Arnold

Baudler

Bell

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

The nays were, 1:

Eichhorn

Absent or not voting.:

Connors

Wilderdyke

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

SENATE AMENDMENT CONSIDERED

Sands of Louisa called up for consideration [House File 2484](#), a bill for an act relating to the reorganization of the division of banking of the department of commerce and its regulation of banking, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8448](#):

[H-8448](#)

- 1 Amend [House File 2484](#), as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 39, line 25, by striking the word "to"
4 and inserting the following: "shall apply to and may
5 be collected by".
- 6 2. Page 39, by inserting after line 27 the
7 following:
8 "Nothing in this section shall be construed to
9 change the prohibition against the sale of title
10 insurance or sale of insurance against loss or damage
11 by reason of defective title or encumbrances as
12 provided in section 515.48, subsection 10."
- 13 3. Page 39, by inserting after line 27 the
14 following:
15 "DIVISION
16 REAL PROPERTY FINANCIAL LIABILITY
17 Sec. ____ NEW SECTION. 455B.751 DEFINITIONS.
18 As used in this division, unless the context
19 otherwise requires:
20 1. "Acquired" means purchased, leased, obtained by
21 inheritance or descent and distribution, or obtained
22 by foreclosure sale under chapter 654, nonjudicial
23 voluntary foreclosure under section 654.18, deed in
24 lieu of foreclosure under section 654.19, foreclosure
25 without redemption under section 654.20, or
26 nonjudicial foreclosure of nonagriculture mortgages
27 under chapter 655A.
28 2. "Hazardous substance" means the same as defined
29 in section 455B.381 or 455B.411.
30 3. "Hazardous waste" means the same as defined in
31 section 455B.411.
32 4. "Potentially responsible party" means a person
33 whose acts or omissions were a proximate cause of the
34 contamination of the acquired property, or a person
35 whose negligent acts or omissions are a proximate
36 cause of injury or damages resulting from exposure to
37 such contamination. Injury or damages to persons or
38 property arising by reason of contamination that
39 migrates from the acquired property shall not be
40 deemed to be caused by an act or omission of the
41 person that acquired the property, except to the
42 extent that the act or omission of such person
43 exacerbated the release of such contamination.
44 5. "Regulated substance" means the same as defined
45 in section 455B.471.
46 6. "Response action" means any action taken to
47 reduce, minimize, eliminate, clean up, control,
48 assess, or monitor a release of hazardous substances,
49 hazardous waste, or regulated substances to protect
50 the public health, safety, or the environment.

Page 2

- 1 7. "Third party" means any person other than a

2 person that holds indicia of title to property as
3 identified in section 455B.752, subsection 1, or that
4 has acquired property as identified in section
5 455B.752, subsection 2.

6 8. "Third-party liability" means any liability or
7 obligation, other than contractual obligations that
8 specifically waive all or part of the immunity
9 provided by section 455B.752, arising out of or
10 resulting from contamination of property by a
11 hazardous substance, hazardous waste, or a regulated
12 substance, including without limitation, claims for
13 illness, personal injury, death, consequential
14 damages, exemplary damages, lost profits, trespass,
15 loss of use of property, loss of rental value,
16 reduction in property value, property damages, or
17 statutory or common law nuisance.

18 Sec. ____ NEW SECTION. 455B.752 IMMUNITY FROM
19 THIRD-PARTY LIABILITY.

20 A person that holds indicia of ownership of
21 property contaminated by a hazardous substance,
22 hazardous waste, or regulated substance, and that
23 satisfies all of the conditions provided in section
24 455B.381, subsection 7, paragraphs "a", "b", and "c",
25 or section 455B.471, subsection 6, paragraph "b",
26 subparagraphs (1), (2), and (3), or a person that has
27 acquired property contaminated by a hazardous
28 substance, hazardous waste, or regulated substance,
29 shall not be liable to any third party for any third-
30 party liability arising from such contamination
31 provided that all of the following apply:

32 1. The person does not knowingly cause or permit a
33 new or additional hazardous substance, hazardous
34 waste, or regulated substance to arise on or from the
35 acquired property that injures a third party or
36 contaminates property owned or leased by a third
37 party.

38 2. The person is not a potentially responsible
39 party or affiliated with any potentially responsible
40 party by reason of any of the following:
41 a. Any direct or indirect familial relationship.
42 b. Any contractual, corporate, or financial
43 relationship, other than a contractual, corporate, or
44 financial relationship that is created by the
45 instruments by which title to the property is conveyed
46 or financed or by a contract for the sale of goods or
47 services.

48 c. A reorganization of a business entity that is
49 or was a potentially responsible party.

50 Sec. ____ NEW SECTION. 455B.753 ACCESS TO

Page 3

1 PROPERTY.

2 A person that holds indicia of title to property or
3 a person that has acquired property as identified in
4 section 455B.752, shall provide reasonable access to
5 the acquired property to any potentially responsible
6 party or to any authorized regulatory authority for
7 the purpose of investigating or evaluating any
8 contamination, planning, or preparing a remedial plan
9 for any abatement of the contamination, and for any
10 required remediation.

11 Sec.____. NEW SECTION. 455B.754 LEGAL
12 RESPONSIBILITY.

13 This division shall not be interpreted to affect
14 the legal responsibility to the state to conduct
15 response actions under any applicable state law. This
16 division shall not be interpreted to affect or provide
17 immunity from any criminal liability.

18 Sec.____. EFFECTIVE DATE. This division of this
19 Act, being deemed of immediate importance, takes
20 effect upon enactment."

21 4. Title page, line 1, by striking the word
22 "institutions" and inserting the following: "and real
23 property institutions and assets".

24 5. Title page, by striking lines 2 and 3 and
25 inserting the following: "including banks, credit
26 unions, real property loan lenders, and real property
27 financial liability."

28 6. By renumbering, relettering, or redesignating
29 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8448](#).

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

On the question "Shall the bill pass?" ([H.F. 2484](#))

The ayes were, 93:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boggess	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dennis	Dix
Dolecheck	Drake	Elgin	Foege
Ford	Freeman	Gaskill	Gipp
Granzow	Greimann	Greiner	Hahn

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

The nays were, 5:

Boddicker	Eichhorn	Fallon	Frevert
Hogg			

Absent or not voting, 2:

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2554](#), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2567](#), a bill for an act regulating the transportation of animal carcasses, and providing for fees and penalties, and providing for an effective date.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the Senate was asked:

[House File 2568](#), a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Also: That the Senate has on April 13, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2305](#), a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Boddicker of Cedar called up for consideration [House File 2462](#), a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8395](#):

[H-8395](#)

1 Amend [House File 2462](#), as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 "Sec. ___. CHILD IN NEED OF ASSISTANCE FAMILY CASE
6 STAFFING PILOT PROJECT. The department of human
7 services shall implement a child in need of assistance
8 family case staffing pilot project in at least two
9 counties. Under the pilot project, unless the
10 department determines that the pilot project approach
11 would not be in the child's best interest, prior to a
12 child in need of assistance petition being filed, the
13 department shall conduct a full case staffing for the
14 child's case. The staffing participants shall include
15 but are not limited to relevant treatment providers,
16 the child's parents or guardians, and other persons
17 involved with the child. The purposes of the pilot
18 project are to divert selected child abuse and neglect
19 cases that may otherwise result in a child in need of

- 20 assistance adjudication, improve permanency for
 21 children, promote family unification, and reduce state
 22 expenditures associated with adjudication of child in
 23 need of assistance cases."
 24 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-8395](#).

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

On the question "Shall the bill pass?" ([H.F. 2462](#))

The ayes were, 98:

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

The nays were none.

Absent or not voting, 2:

Connors Wilderdyke

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

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration [Senate File 2179](#), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-8464](#) to the House amendment:

[H-8464](#)

1 Amend the House amendment, S.F.-5239, to Senate File
2 2179, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 13, by inserting after the word
5 "body" the following: "shall be recorded on the
6 legislative internet website or copies of the personal
7 financial disclosure statements".

The motion prevailed and the House concurred in the Senate amendment [H-8464](#), to the House amendment.

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

On the question "Shall the bill pass?" ([S.F. 2179](#))

The ayes were, 98:

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

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

The nays were, none.

Absent or not voting, 2:

Connors Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2462, 2484, 2489** and **[Senate File 2179](#)**.

CONSIDERATION OF BILLS

Ways and Means Calendar

[Senate File 2289](#), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (**[S.F. 2289](#)**)

The ayes were, 98:

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

The nays were, none.

Absent or not voting, 2:

Connors Wilderdyke

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

SENATE MESSAGE CONSIDERED

[Senate File 2305](#), by committee on ways and means, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

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

Appropriations Calendar

[Senate File 2288](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending amendment and passage, was taken up for consideration.

Heaton of Henry offered the following amendment [H-8511](#) filed by him, Hoffman of Crawford, Hutter of Scott, Jacobs of Polk, Granzow of Hardin, Upmeyer of Hancock, Freeman of Buena Vista, Tymeson of Madison, Chambers of O'Brien, Schickel of Cerro Gordo, Arnold of Lucas, Horbach of Tama, Boggess of Page, Roberts of Carroll, Hahn of Muscatine, S. Olson of Clinton, Sands of Louisa, Baudler of Adair, Rasmussen of Buchanan, Rayhons of Hancock, Lalk of Fayette, Greiner of Washington, Jenkins of Black Hawk, Elgin of Linn, Dolecheck of Ringgold, Drake of Pottawattamie, Manternach of Jones, Huseman of Cherokee, Jones of Mills and Gipp of Winneshiek, from the floor and moved its adoption:

[H-8511](#)

- 1 Amend [Senate File 2288](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 14, by inserting after line 19, the
- 4 following:
- 5 "If the amount of the child care and development
- 6 block grant to be received exceeds the amount
- 7 appropriated in this section and the excess amount is
- 8 sufficient to fund both the purposes identified by the
- 9 department for the excess amount and the purpose
- 10 described in this sentence, notwithstanding contrary
- 11 provisions of 2004 Iowa Acts, [Senate File 2298](#), if
- 12 enacted, the department shall, to the extent
- 13 sufficient funds are available, set child care
- 14 provider reimbursement rates based on the most
- 15 recently completed rate reimbursement survey. Moneys
- 16 appropriated in this section that remain unencumbered
- 17 or unobligated at the close of the fiscal year shall
- 18 revert to be available for appropriation for purposes
- 19 of the child care and development block grant in the
- 20 succeeding fiscal year."
- 21 2. By renumbering as necessary.

Amendment [H-8511](#) was adopted.

Upmeyer of Hancock offered the following amendment [H-8453](#) filed by her and Kuhn of Floyd and moved its adoption:

[H-8453](#)

- 1 Amend [Senate File 2288](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, line 12, by inserting after the word
- 4 "Chairpersons" the following: "and ranking members".

Amendment [H-8453](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 2288](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2288** and **2289**.

Unfinished Business Calendar

[Senate File 2278](#), a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 2278](#))

The ayes were, none.

The nays were, 99:

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

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

Absent or not voting, 1:

Wilderdyke

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2278](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 5:30 p.m., until 6:15 p.m.

EVENING SESSION

The House reconvened at 6:25 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 593](#), a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for

destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 2562](#), A bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Also: That the Senate has on April 13, 2004, amended and passed the following bill in which the concurrence of the House is asked:

[Senate File 2304](#), a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

MICHAEL E. MARSHALL, Secretary

QUORUM CALL

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

INTRODUCTION OF BILL

[House File 2575](#), by committee on ways and means, a bill for an act relating to moneys and tax credits for economic development.

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

Jacobs of Polk asked and received unanimous consent for the immediate consideration of [House File 2574](#).

CONSIDERATION OF BILLS

Ways and Means Calendar

[House File 2574](#), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties

applicable and including effective date and retroactive applicability date provisions, was taken up for consideration.

The House stood at ease at 6:38 p.m., until the fall of the gavel.

The House resumed session at 7:35 p.m., Speaker Rants in the chair.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-8512](#) filed by him from the floor.

Kurtenbach of Story offered the following amendment [H-8466](#) filed by him and moved its adoption:

[H-8466](#)

1 Amend [House File 2574](#) as follows:
2 1. Page 2, by inserting after line 29 the
3 following:
4 "Sec.____. Section 423.3, as enacted by 2003 Iowa
5 Acts, First Extraordinary Session, chapter 2, section
6 96, is amended by adding the following new subsection:
7 NEW SUBSECTION. 84. The sales price from the sale
8 of building materials, supplies, goods, wares, or
9 merchandise sold to a nonprofit Iowa affiliate of a
10 nonprofit international organization whose primary
11 activity is the promotion of the construction,
12 remodeling, or rehabilitation of one or two-family
13 dwellings for use by low-income families and where the
14 building materials, supplies, goods, wares, or
15 merchandise are used in the construction, remodeling,
16 or rehabilitation of such dwellings.
17 Sec.____. Section 423.4, subsection 1, as enacted
18 by 2003 Iowa Acts, First Extraordinary Session,
19 chapter 2, section 97, is amended to read as follows:
20 1. A private nonprofit educational institution in
21 this state, nonprofit Iowa affiliate of a nonprofit
22 international organization whose primary activity is
23 the promotion of the construction, remodeling, or
24 rehabilitation of one or two-family dwellings for low-
25 income families, nonprofit private museum in this
26 state, tax-certifying or tax-levying body or
27 governmental subdivision of the state, including the
28 state board of regents, state department of human
29 services, state department of transportation, a
30 municipally owned solid waste facility which sells all
31 or part of its processed waste as fuel to a

32 municipally owned public utility, and all divisions,
 33 boards, commissions, agencies, or instrumentalities of
 34 state, federal, county, or municipal government which
 35 do not have earnings going to the benefit of an equity
 36 investor or stockholder, may make application to the
 37 department for the refund of the sales or use tax upon
 38 the sales price of all sales of goods, wares, or
 39 merchandise, or from services furnished to a
 40 contractor, used in the fulfillment of a written
 41 contract with the state of Iowa, any political
 42 subdivision of the state, or a division, board,
 43 commission, agency, or instrumentality of the state or
 44 a political subdivision, a private nonprofit
 45 educational institution in this state, such nonprofit
 46 Iowa affiliate, or a nonprofit private museum in this
 47 state if the property becomes an integral part of the
 48 project under contract and at the completion of the
 49 project becomes public property, is devoted to
 50 educational uses, becomes part of a low-income one or

Page 2

1 two-family dwelling in the state, ~~or~~ becomes a
 2 nonprofit private museum; except goods, wares, or
 3 merchandise, or services furnished which are used in
 4 the performance of any contract in connection with the
 5 operation of any municipal utility engaged in selling
 6 gas, electricity, or heat to the general public or in
 7 connection with the operation of a municipal pay
 8 television system; and except goods, wares, and
 9 merchandise used in the performance of a contract for
 10 a "project" under chapter 419 as defined in that
 11 chapter other than goods, wares, or merchandise used
 12 in the performance of a contract for a "project" under
 13 chapter 419 for which a bond issue was approved by a
 14 municipality prior to July 1, 1968, or for which the
 15 goods, wares, or merchandise becomes an integral part
 16 of the project under contract and at the completion of
 17 the project becomes public property or is devoted to
 18 educational uses.
 19 a. Such contractor shall state under oath, on
 20 forms provided by the department, the amount of such
 21 sales of goods, wares, or merchandise, or services
 22 furnished and used in the performance of such
 23 contract, and upon which sales or use tax has been
 24 paid, and shall file such forms with the governmental
 25 unit, private nonprofit educational institution, such
 26 nonprofit Iowa affiliate, or nonprofit private museum
 27 which has made any written contract for performance by
 28 the contractor. The forms shall be filed by the
 29 contractor with the governmental unit, educational
 30 institution, such nonprofit Iowa affiliate, or

31 nonprofit private museum before final settlement is
32 made.
33 b. Such governmental unit, educational
34 institution, nonprofit Iowa affiliate, or nonprofit
35 private museum shall, not more than one year after the
36 final settlement has been made, make application to
37 the department for any refund of the amount of the
38 sales or use tax which shall have been paid upon any
39 goods, wares, or merchandise, or services furnished,
40 the application to be made in the manner and upon
41 forms to be provided by the department, and the
42 department shall forthwith audit the claim and, if
43 approved, issue a warrant to the governmental unit,
44 educational institution, or nonprofit private museum
45 in the amount of the sales or use tax which has been
46 paid to the state of Iowa under the contract.
47 Refunds authorized under this subsection shall
48 accrue interest at the rate in effect under section
49 421.7 from the first day of the second calendar month
50 following the date the refund claim is received by the

Page 3

1 department.
2 c. Any contractor who willfully makes a false
3 report of tax paid under the provisions of this
4 subsection is guilty of a simple misdemeanor and in
5 addition shall be liable for the payment of the tax
6 and any applicable penalty and interest."

Amendment [H-8466](#) was adopted.

Kramer of Polk offered the following amendment [H-8513](#) filed by him, J.K. Van Fossen of Scott, Gipp of Winneshiek, Murphy of Dubuque and Huser of Polk, from the floor and moved its adoption:

[H-8513](#)

1 Amend [House File 2574](#) as follows:
2 1. Page 2, by inserting after line 29 the
3 following:
4 "Sec. ____ Section 423.3, subsections 2 and 37, as
5 enacted by 2003 Iowa Acts, First Extraordinary
6 Session, chapter 2, section 96, are amended to read as
7 follows:
8 2. The sales price of sales for resale of tangible
9 personal property or taxable services, or for resale
10 of tangible personal property in connection with the
11 furnishing of taxable services except for sales, other
12 than leases or rentals, which are sales, of machinery,

13 equipment, attachments, and replacement parts
14 specifically enumerated in subsection 37 and used in
15 the manner described in subsection 37.
16 37. The sales price of services on or connected
17 with new construction, reconstruction, alteration,
18 expansion, remodeling, or the services of a general
19 building contractor, architect, or engineer. The
20 exemption in this subsection also applies to the sales
21 price on the lease or rental of self-propelled
22 building equipment, self-constructed cranes, pile
23 drivers, structural concrete forms, regular and
24 motorized scaffolding, generators, or attachments
25 customarily drawn or attached to self-propelled
26 building equipment, self-constructed cranes, pile
27 drivers, structural concrete forms, regular and
28 motorized scaffolding, and generators, including
29 auxiliary attachments which improve the performance,
30 safety, operation, or efficiency of the equipment and
31 replacement parts and are directly and primarily used
32 by contractors, subcontractors, and builders for new
33 construction, reconstruction, alterations, expansion,
34 or remodeling of real property or structures."

Amendment [H-8513](#) was adopted.

Osterhaus of Jackson asked and received unanimous consent that amendment [H-8480](#) be deferred.

Kramer of Polk offered amendment [H-8517](#) filed by him from the floor as follows:

[H-8517](#)

- 1 Amend [House File 2574](#) as follows:
- 2 1. Page 7, by striking line 31 and inserting the
- 3 following:
- 4 "Notwithstanding section 441.40, where the court".
- 5 2. Page 7, line 34, by striking the word
- 6 "taxpayer's" and inserting the following:
- 7 "appellant's".

Hogg of Linn asked and received unanimous consent that amendment [H-8520](#) be deferred.

Hogg of Linn offered the following amendment [H-8521](#), to amendment [H-8517](#), filed by him from the floor and moved its adoption:

[H-8521](#)

- 1 Amend the amendment, [H-8517](#), to [House File 2574](#), as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 7, and
- 4 inserting the following:
- 5 "____. By striking page 7, line 31, through page
- 6 8, line 3, and inserting the following:
- 7 "Notwithstanding section 441.40, where the court
- 8 finds that the assessor's position in regard to
- 9 assessment of the property was not substantially
- 10 justified, the assessor shall pay all reasonable
- 11 attorney fees and costs of the appellant's appeal.""
- 12 2. By renumbering as necessary.

Amendment [H-8521](#) lost.

Hogg of Linn offered the following amendment [H-8520](#), previously deferred, to amendment [H-8517](#), filed by him from the floor and moved its adoption:

[H-8520](#)

- 1 Amend the amendment, [H-8517](#), to [House File 2574](#) as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 7, and
- 4 inserting the following:
- 5 "____. By striking page 7, line 34 through page 8,
- 6 line 3, and inserting the following: "value, the
- 7 assessor shall pay all reasonable attorney fees and
- 8 costs of the appellant's appeal.""

A non-record roll call was requested.

The ayes were 40, nays 47.

Amendment [H-8520](#) lost.

Kramer of Polk moved the adoption of amendment [H-8517](#).

A non-record roll call was requested.

The ayes were 47, nays 21.

Amendment [H-8517](#) was adopted.

Shoultz of Black Hawk offered the amendment [H-8510](#) filed by him from the floor as follows:

[H-8510](#)

- 1 Amend [House File 2574](#) as follows:
- 2 1. By striking page 7, line 29 through page 8,
- 3 line 3.
- 4 2. By renumbering as necessary.

The House stood at ease at 8:24 p.m., until the fall of the gavel.

The House resumed session at 9:17 p.m., Speaker Rants in the chair.

Shoultz of Black Hawk moved the adoption of amendment [H-8510](#).

Roll call was requested by Speaker Rants and J.K. Van Fossen of Scott.

On the question "Shall amendment [H-8510](#) be adopted?" ([H.F. 2574](#))

The ayes were, 43:

Bell	Berry	Bukta	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	Shoultz	Smith	Stevens
Swaim	Taylor, D.	Taylor, T.	Thomas
Whitaker	Winckler	Wise	

The nays were, 56:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
De Boef	Dennis	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Hahn
Hanson	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Klemme	Kramer	Kurtenbach
Lalk	Lukan	Maddox	Manternach

Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Shomshor	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Mr. Speaker
			Rants

Absent or not voting, 1:

Wilderdyke

Amendment [H-8510](#) lost.

Osterhaus of Jackson offered the following amendment [H-8480](#), previously deferred, filed by him and moved its adoption:

[H-8480](#)

- 1 Amend [House File 2574](#) as follows:
- 2 1. Page 7, line 34, by striking the word "all"
- 3 and inserting the following: "fifty percent of the".

Amendment [H-8480](#) lost.

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

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

The ayes were, 65:

Alons	Arnold	Baudler	Boal
Boddicker	Boggess	Carroll	Chambers
Dandekar	Davitt	De Boef	Dennis
Dix	Dolecheck	Drake	Eichhorn
Elgin	Ford	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Heddens	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Maddox
Manternach	McCarthy	Murphy	Olson, S.
Paulsen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shomshor	Stevens	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Wendt	Whitead
Mr. Speaker			
Rants			

The nays were, 34:

Bell	Berry	Bukta	Cohon
Connors	Fallon	Foege	Frevert
Gaskill	Greimann	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Lykam	Mascher	Mertz	Miller
Oldson	Olson, D.	Osterhaus	Petersen
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Watts	Whitaker
Winckler	Wise		

Absent or not voting, 1:

Wilderdyke

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

IMMEDIATE MESSAGE

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2004, passed the following bill in which the concurrence of the House is asked:

[Senate File 2306](#), a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

MICHAEL E. MARSHALL, Secretary

SENATE AMENDMENT CONSIDERED

Kramer of Polk called up for consideration [House File 2562](#), a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, amended by the Senate, and moved that the House concur in the following Senate amendment [H-8525](#):

[H-8525](#)

1 Amend [House File 2562](#), as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 34, by inserting after the word
4 "license" the following: "or class "B" or class "C"
5 beer permit".

6 2. Page 1, line 35, by striking the words "for
7 on-premises consumption".

8 3. Page 2, line 7, by inserting after the word
9 "license" the following: "or class "B" or class "C"
10 beer permit".

11 4. Page 2, line 8, by striking the words "for
12 on-premises consumption".

13 5. Page 2, line 26, by inserting after the word
14 "Act." the following: "In addition, the department
15 shall not initially register an electrical and
16 mechanical amusement device that is required to be
17 registered as provided in this subsection to an owner
18 for a location for which only a class "B" or class "C"
19 beer permit has been issued pursuant to chapter 123 on
20 or after the effective date of this Act."

21 6. Page 2, line 35, by inserting after the word
22 "department." the following: "In addition, an owner
23 at a location for which only a class "B" or class "C"
24 beer permit has been issued pursuant to chapter 123
25 shall not relocate an amusement device registered as
26 provided in this subsection to a location other than
27 the location of the device on the effective date of
28 this Act, and shall not transfer, assign, sell, or
29 lease an amusement device registered as provided in
30 this subsection to another person for which only a
31 class "B" or class "C" beer permit has been issued
32 pursuant to chapter 123 after the effective date of
33 this Act."

34 7. Page 3, line 12, by inserting after the word
35 "section" the following: "at a location for which
36 only a class "B" or class "C" beer permit has been
37 issued pursuant to chapter 123".

38 8. Page 5, line 4, by inserting after the words
39 "paragraph "a." the following: "In addition, a
40 person whose registration is revoked under this
41 subsection who is a person for which only a class "B"
42 or class "C" beer permit has been issued pursuant to
43 chapter 123 shall have the person's class "B" or class
44 "C" beer permit suspended and that person's sales tax
45 permit suspended for a period of fourteen days in the
46 same manner as provided in section 123.50, subsection
47 3, paragraph "a.""

48 9. Page 7, line 5, by inserting after the word
49 "license" the following: "or class "B" or class "C"
50 beer permit".

Page 2

1 10. Page 7, line 15, by inserting after the word
 2 "Act" the following: "for which a class "A", class
 3 "B", class "C", or class "D" liquor control license or
 4 class "B" or class "C" beer permit has been issued
 5 pursuant to chapter 123".

The motion prevailed and the House concurred in the Senate amendment [H-8525](#).

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

On the question "Shall the bill pass?" ([H.F. 2562](#))

The ayes were, 96:

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

The nays were, 3:

Fallon	Greimann	Taylor, D.
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Absent or not voting, 1:

Wilderdyke

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

INTRODUCTION OF BILL

[House File 2576](#), by committee on ways and means, a bill for an act to establish an audio news and information services program within the department for the blind, to establish an equipment distribution program, to rename the dual party relay service, and providing a contingent effective date.

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

SENATE MESSAGE CONSIDERED

[Senate File 2304](#), by committee on ways and means, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness and retroactive applicability.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 2562](#) be immediately messaged to the Senate.

Ways and Means Calendar

[Senate File 2295](#), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, with report of committee recommending amendment and passage, was taken up for consideration.

Lukan of Dubuque offered the following amendment [H-8444](#) filed by the committee on ways and means and moved its adoption:

[H-8444](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 29, by inserting after the word
- 4 "school." the following: "A school tuition
- 5 organization shall only award educational scholarships
- 6 and tuition grants to children who reside in Iowa."
- 7 2. Page 3, line 15, by inserting after the word
- 8 "students" the following: ", who reside in the
- 9 state,".

Manternach of Jones in the chair at 9:56 p.m.

The committee amendment [H-8444](#) was adopted.

Jochum of Dubuque offered amendment [H-8519](#) filed by her, Osterhaus of Jackson and Frevert of Palo Alto from the floor and requested division as follows:

[H-8519](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:

[H-8519](#) A

- 3 1. Page 1, line 5, by striking the words "the
- 4 amount" and inserting the following: "fifty percent".

[H-8519](#) B

- 5 2. Page 2, line 14, by inserting before the word
- 6 "nonpublic" the following: "public or".

[H-8519](#) A

- 7 3. Page 2, line 35, by striking the word "three"
- 8 and inserting the following: "two".
- 9 4. Page 3, by inserting after line 2 the
- 10 following:
- 11 "e. "Tuition" means any charges or fees for the
- 12 expenses of personnel, buildings, equipment and
- 13 materials, and other expenses of elementary or
- 14 secondary schools which relate to the teaching of
- 15 those subjects legally and commonly taught in public
- 16 or nonpublic elementary and secondary schools in this
- 17 state."
- 18 5. Page 3, line 16, by striking the word "three"
- 19 and inserting the following: "two".

20 6. Page 3, line 35, by inserting after the figure
21 "2005" the following: ", but before January 1, 2010".

Jochum of Dubuque asked and received unanimous consent that amendment [H-8519A](#) be deferred.

Mascher of Johnson offered the following amendment [H-8524](#) filed by her from the floor and moved its adoption:

[H-8524](#)

1 Amend [Senate File 2295](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by striking the words "the
4 amount" and inserting the following: "twenty-five
5 percent".

Amendment [H-8524](#) lost.

Lukan of Dubuque offered the following amendment [H-8534](#) filed by him, Wise of Lee, McCarthy of Polk, Quirk of Chickasaw and Reasoner of Union from the floor and moved its adoption:

[H-8534](#)

1 Amend [Senate File 2295](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 5, by inserting after the words
4 "equal to" the following: "seventy-five percent of".
5 2. Page 1, line 9, by striking the word "Five"
6 and inserting the following: "Seven".
7 3. Page 1, line 10, by striking the words "Six
8 hundred twenty-five" and inserting the following:
9 "Eight hundred".
10 4. Page 1, by inserting after line 10 the
11 following:
12 " _____. The taxpayer shall not be entitled to the
13 credit for tax years beginning in the 2005 and 2006
14 calendar years unless the credit is preapproved by the
15 department as provided in subsection 2A."
16 5. Page 1, by inserting after line 18 the
17 following:
18 "2A. To receive the tax credit for tax years
19 beginning in the 2005 and 2006 calendar years, the
20 taxpayer shall apply for the credit to the department
21 by January 31 following the end of the calendar year
22 in which the contribution was made. If the taxpayer
23 and school tuition organization qualify, the
24 department shall approve the application for credit

25 and so notify the taxpayer by April 1 following
26 receipt of the application. However, the department
27 of revenue shall only grant approval under this
28 section for a total of five million dollars in credits
29 in the fiscal year beginning July 1, 2005, and for a
30 total of ten million dollars in credits in the fiscal
31 year beginning July 1, 2006. If the qualified
32 applications total more than five million dollars or
33 ten million dollars, as applicable, in credits, the
34 department shall reduce the amount of credit approved
35 for each taxpayer on a pro rata basis and shall so
36 notify the taxpayer of the percentage of the credit
37 approved. The department shall prepare application
38 forms which may be made available to charitable
39 organizations that may qualify as school tuition
40 organizations."
41 6. Page 2, line 35, by striking the word "three"
42 and inserting the following: "two".
43 7. Page 3, line 16, by striking the word "three"
44 and inserting the following: "two".
45 8. Page 3, line 35, by inserting after the figure
46 "2005" the following: ", but before January 1, 2013".

Amendment [H-8534](#) was adopted.

Jochum of Dubuque offered the following amendment [H-8532](#) filed by her from the floor and moved its adoption:

[H-8532](#)

1 Amend [Senate File 2295](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 18, by inserting after the word
4 "taxpayer" the following: "or any other student
5 designated by the taxpayer".

A non-record roll call was requested.

The ayes were 62, nays 14.

Amendment [H-8532](#) was adopted.

Hogg of Linn offered the following amendment [H-8529](#) filed by him and Petersen of Polk from the floor and moved its adoption:

[H-8529](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 3 through 9.
- 4 2. Page 2, lines 13 and 14, by striking the words
- 5 "for disabled students" and inserting the following:
- 6 ", as defined in section 237A.1, located".

Roll call was requested by Hogg of Linn and Petersen of Polk.

On the question "Shall amendment [H-8529](#) be adopted?" ([S.F. 2295](#))

The ayes were, 44:

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

The nays were, 54:

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

Absent or not voting, 2:

Connors	Wilderdyke
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Amendment [H-8529](#) lost.

Jochum of Dubuque requested further division on amendment [H-8519](#) as follows:

Lines 3 and 4, Division A.

Lines 5 and 6, and Lines 9 through 17, Division B.

Lines 7 and 8, and Lines 18 and 19, Division C.

Lines 20 and 21, Division D.

With of adoption of amendment [H-8534](#), amendments [H-8519A](#), [H-8519C](#) and [H-8519D](#) were placed out of order.

Jochum of Dubuque moved the adoption of amendment [H-8519B](#).

Roll call was requested by Jochum of Dubuque and Mascher of Johnson.

On the question "Shall amendment [H-8519B](#) be adopted?" ([S.F. 2295](#))

The ayes were, 47:

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

The nays were, 49:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Hahn	Hanson
Heaton	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Klemme
Kurtenbach	Lalk	Lukan	Maddox
Olson, S.	Paulsen	Rants, Spkr.	Rasmussen

Rayhons	Roberts	Sands	Schickel
Struyk	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Manternach, Presiding			

Absent or not voting, 4:

Connors	Hoffman	Kramer	Wilderdyke
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Amendment [H-8519B](#) lost.

Smith of Marshall offered amendment [H-8522](#) filed by him from the floor as follows:

[H-8522](#)

1 Amend [Senate File 2295](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, line 17, by inserting after the figure
4 "216." the following: "A qualified school shall not
5 discriminate on the basis of race, creed, color,
6 national origin, sex, age, or disability."

Smith of Marshall offered the following amendment [H-8535](#), to amendment [H-8522](#), filed by him from the floor and moved its adoption:

[H-8535](#)

1 Amend the amendment, H-8522, to [Senate File 2295](#),
2 as amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by striking lines 3 through 6 and
5 inserting the following:
6 "____. Page 2, line 29, by inserting after the
7 word "school." the following: "A school tuition
8 organization shall not discriminate on the basis of
9 race, creed, color, national origin, sex, age, or
10 disability.""

Amendment [H-8535](#) was adopted.

Smith of Marshall moved the adoption of amendment [H-8522](#), as amended.

Roll call was requested by Mascher of Johnson and Jochum of Dubuque.

On the question "Shall amendment [H-8522](#) be adopted?" ([S.F. 2295](#))

The ayes were, 45:

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

The nays were, 53:

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

Absent or not voting, 2:

Connors Wilderdyke

Amendment [H-8522](#), as amended, lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment [H-8526](#) filed by her from the floor.

Speaker Rants in the chair at 11:24 p.m.

Mascher of Johnson offered the following amendment [H-8530](#) filed by her from the floor and moved its adoption:

[H-8530](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 17, by inserting after the figure
- 4 "216." the following: "In addition, a qualified
- 5 school must be under the same guidelines, standards,
- 6 restrictions, and requirements as public elementary
- 7 and secondary schools regarding the academic
- 8 achievement of its students."

Amendment [H-8530](#) lost.

Shoultz of Black Hawk offered amendment [H-8533](#) filed by him from the floor and requested division as follows:

[H-8533](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:

[H-8533](#) A

- 3 1. Page 2, line 24, by striking the word "one-
- 4 third" and inserting the following: "all".
- 5 2. Page 2, line 33, by striking the words
- 6 "prioritize the providing of" and inserting the
- 7 following: "provide all".

[H-8533](#) B

- 8 3. Page 2, line 35, by striking the word "three"
- 9 and inserting the following: "two".

[H-8533](#) A

- 10 4. Page 3, line 2, by inserting after the word
- 11 "services." the following: "Scholarships and grants
- 12 shall be awarded to applicants on a random basis."

[H-8533](#)B

- 13 5. Page 3, line 16, by striking the word "three"
- 14 and inserting the following: "two".

Amendment [H-8533](#)B was placed out of order with the previous adoption of amendment [H-8534](#).

Shoultz of Black Hawk moved the adoption of amendment [H-8533A](#).

Amendment [H-8533A](#) lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment [H-8523](#) filed by her from the floor.

Wendt of Woodbury offered the following amendment [H-8527](#) filed by him from the floor and moved its adoption:

[H-8527](#)

- 1 Amend [Senate File 2295](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 27 the
- 4 following:
- 5 "___ The director may impose a civil penalty
- 6 against any organization that fails to file the report
- 7 or fails to timely file the report or where the report
- 8 is not properly completed as required by subsection 6.
- 9 The penalty shall be five hundred dollars."
- 10 2. Title page, line 2, by inserting after the
- 11 word "organizations" the following: ", providing a
- 12 penalty,".

Amendment [H-8527](#) lost.

Mascher of Johnson asked and received unanimous consent to withdraw amendment [H-8531](#) filed by her from the floor.

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

On the question "Shall the bill pass?" ([S.F. 2295](#))

The ayes were, 63:

Alons	Arnold	Baudler	Boal
Boddicker	Bogges	Carroll	Chambers
Dandekar	De Boef	Dix	Drake
Eichhorn	Elgin	Freeman	Frevert
Gipp	Greiner	Hahn	Hanson
Heaton	Hoffman	Hogg	Horbach
Huseman	Hutter	Jacobs	Jenkins

Jochum	Jones	Klemme	Kramer
Kurtenbach	Lalk	Lukan	Lykam
Maddox	Manternach	McCarthy	Mertz
Murphy	Olson, S.	Osterhaus	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Roberts	Sands	Schickel
Struyk	Taylor, D.	Thomas	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitead	Mr. Speaker	
		Rants	

The nays were, 35:

Bell	Berry	Bukta	Cohon
Davitt	Dennis	Dolecheck	Fallon
Foege	Ford	Gaskill	Granzow
Greimann	Heddens	Hunter	Huser
Jacoby	Kuhn	Lensing	Mascher
Miller	Oldson	Olson, D.	Petersen
Shomshor	Shultz	Smith	Stevens
Swaim	Taylor, T.	Tjepkes	Wendt
Whitaker	Winckler	Wise	

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 2295](#) be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 13th day of April, 2004: House Files 2134, 2208, 2399, 2419 and 2476.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

COMMUNICATION RECEIVED

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

IOWA WORKFORCE DEVELOPMENT

Annual status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2004\1444 Marione Boller, Waterloo – For celebrating her 90th birthday.
- 2004\1445 Alyson Beatty, Chariton High School – For being named a State of Iowa Scholar.
- 2004\1446 Quentin Kennedy, Chariton High School – For being named a State of Iowa Scholar.
- 2004\1447 Cassandra Morrow, Chariton High School – For being named a State of Iowa Scholar.
- 2004\1448 Kari Ohnemus, Chariton High School – For being named a State of Iowa Scholar.
- 2004\1449 Cammeo Medici, Chariton High School – For being named a State of Iowa Scholar.
- 2004\1450 Theodore Knust, Melcher-Dallas High School - Lacona – For being named a State of Iowa Scholar.
- 2004\1451 Kristyn Van Donselaar, North Mahaska Jr.-Sr. High School - New Sharon – For being named a State of Iowa Scholar.
- 2004\1452 Carmen DeJong, Oskaloosa High School – For being named a State of Iowa Scholar.
- 2004\1453 Edna Lee, Iowa Falls – For celebrating her 80th birthday.
- 2004\1454 Bill Maisel, Hubbard – For celebrating his 90th birthday.
- 2004\1455 Esther Haupt, Ackley – For celebrating her 80th birthday.

- 2004\1456 Norma McClanahan, Iowa Falls – For celebrating her 80th birthday.
- 2004\1457 William Kreitlow, Kanawha – For winning 1st place in the National Conservation Poster Contest.
- 2004\1458 Joseph Stonesifer, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1459 John Hall, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1460 Codie Kellen, Merrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2004\1461 Members of the Elkader Opera House Players and Renovation Committee of Elkader – For receiving the Main Street Iowa “Best Special Event” Award.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 729](#)), relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Committee Bill (Formerly [House Study Bill 730](#)), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, and primary road fund, and making related and corrective changes and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 2004.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 2425](#)), relating to moneys and tax credits for economic development.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

Committee Bill (Formerly [House File 2513](#)), to establish a newslines for the blind program within the department for the blind and to establish telephone utility assessments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 2004.

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

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

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

Fiscal Note is not required.

Recommended **Do Pass** April 13, 2004.

RESOLUTION FILED

[HR 168](#), by Wendt, Whitehead and Rants, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8514	H.F. 2481	Senate Amendment
H-8515	H.F. 2560	Senate Amendment
H-8516	S.F. 2282	Senate Amendment
H-8518	S.F. 443	Senate Amendment
H-8528	H.F. 593	Senate Amendment

On motion by Gipp of Winneshiek the House adjourned Wednesday, April 14, 2004 at 12:22 a.m., until 8:45 a.m., Wednesday, April 14, 2004.