

PROOF

STATE OF IOWA

House Journal

TUESDAY, JANUARY 25, 2005

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JOURNAL OF THE HOUSE

Sixteenth Calendar Day - Eleventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, January 25, 2005

The House met pursuant to adjournment at 8:56 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Janette Scott, pastor of Central Presbyterian Church, Des Moines. She was the guest of Representative Libby Jacobs of Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, January 24, 2005 was approved.

[HOUSE FILE 1](#) WITHDRAWN

Tymeson of Madison asked and received unanimous consent to withdraw [House File 1](#) from further consideration by the House.

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 9:14 a.m., Speaker Rants in the chair.

On motion by Gipp of Winneshiek, the House was recessed at 9:14 a.m., until 4:45 p.m.

AFTERNOON SESSION

The House reconvened at 4:46 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 124](#), by Van Engelenhoven, a bill for an act relating to the sales of beer kegs by requiring an identification number on each

keg of beer, recording of the purchase of beer by the keg, and providing penalties.

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

[House File 125](#), by Gaskill, a bill for an act creating a criminal offense for strangulation, and providing a penalty.

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

[House File 126](#), by Jenkins, a bill for an act relating to driving in the passing lane on certain multilaned highways and providing a penalty.

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

[House File 127](#), by Swaim, a bill for an act regulating dangerous animals, including their possession, requiring registration, and providing penalties.

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

[House File 128](#), by Reasoner, a bill for an act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

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

[House File 129](#), by Murphy and Raecker, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

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

[House File 130](#), by Winckler, Lensing, D. Olson, Wendt, Reichert, Berry, Wessel-Kroeschell, Whitead, Lykam, Davitt, Ford, Mascher, Mertz, Hunter, D. Taylor, Shomshor, Thomas, Cohoon, Bell, Foege, Zirkelbach, Reasoner, Shoultz and Bukta, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

[House File 131](#), by Roberts, a bill for an act relating to the required education and training for dental assistants.

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

[House File 132](#), by Greiner, a bill for an act relating to the administration of units of government associated with soil and water conservation, including transferring the soil conservation division of the department of agriculture and land stewardship to the department of natural resources, and making name changes.

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

[House File 133](#), by Greiner, a bill for an act establishing a dentist recruitment program and revolving fund and making an appropriation.

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

[House File 134](#), by J.K. Van Fossen, a bill for an act requiring special notice and analysis for any rulemaking having a substantial impact on small business.

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

[House File 135](#), by Van Engelenhoven, a bill for an act relating to the disclosure of the annual percentage rate for a delayed deposit service transaction.

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

[House File 136](#), by Wendt, a bill for an act establishing an educational technology grant program and making an appropriation.

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

[House File 137](#), by Alons, Drake, Mertz, Baudler, De Boef, Frevert, Huseman, Kaufmann, Kuhn, Miller, Rayhons, Swaim,

Soderberg, Tymeson and J.R. Van Fossen, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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

CONSIDERATION OF BILLS
Ways and Means Calendar

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

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 5:41 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bell of Jasper on request of Murphy of Dubuque.

The House resumed consideration of **House File 102**.

Carroll of Poweshiek offered amendment **H-1014** filed by him as follows:

H-1014

- 1 Amend **House File 102** as follows:
- 2 1. Page 1, by inserting after line 26 the
- 3 following:
- 4 "Sec. 50. Section 422.7, Code 2005, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION.** 44. A taxpayer may elect not to
- 7 take the increased expensing allowance under section
- 8 179 of the Internal Revenue Code, as amended by Pub.

9 L. No. 108-27, section 202, in computing state tax
10 purposes. If the taxpayer does not take the increased
11 expensing allowance under section 179 of the Internal
12 Revenue Code for state tax purposes, the following
13 adjustments shall be made:

14 a. Add the total amount of expense deduction taken
15 on section 179 property for federal tax purposes under
16 section 179 of the Internal Revenue Code.

17 b. Subtract the amount of expense deduction on
18 section 179 property allowable for federal tax
19 purposes under section 179 of the Internal Revenue
20 Code prior to enactment of Pub. L. No. 108-27, section
21 202.

22 c. Any other adjustments to gains and losses to
23 the adjustments make in paragraphs "a" and "b"
24 pursuant to rules adopted by the director."

25 2. Page 2, by inserting after line 17 the
26 following:

27 "Sec. 51. Section 422.35, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 20. A taxpayer may elect not to
30 take the increased expensing allowance under section
31 179 of the Internal Revenue Code, as amended by Pub.
32 L. No. 108-27, section 202, in computing state tax
33 purposes. If the taxpayer does not take the increased
34 expensing allowance under section 179 of the Internal
35 Revenue Code for state tax purposes, the following
36 adjustments shall be made:

37 a. Add the total amount of expense deduction taken
38 on section 179 property for federal tax purposes under
39 section 179 of the Internal Revenue Code.

40 b. Subtract the amount of expense deduction on
41 section 179 property allowable for federal tax
42 purposes under section 179 of the Internal Revenue
43 Code prior to enactment of Pub. L. No. 108-27, section
44 202.

45 c. Any other adjustments to gains and losses to
46 the adjustments make in paragraphs "a" and "b"
47 pursuant to rules adopted by the director."

48 3. Page 3, line 1, by inserting after the figure
49 "2003." the following: "Sections 50 and 51 of this
50 Act apply retroactively to tax years beginning on or

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1 after January 1, 2003."

2 4. Title page, line 3, by inserting after the
3 word "and" the following: "the increased expensing
4 allowance and".

Eichhorn of Hamilton offered the following amendment [H-1016](#), to amendment [H-1014](#), filed by him from the floor and moved its adoption:

[H-1016](#)

1 Amend the amendment, [H-1014](#), to [House File 102](#) as
2 follows:
3 1. Page 1, by inserting after line 47 the
4 following:
5 ____ Page 2, line 32, by inserting after the
6 word "Act." the following: "If the taxpayer elects
7 not to file an amended return, the "allowed or
8 allowable" provisions and regulations of sections 167
9 and 1016 of the Internal Revenue Code are suspended
10 with regard to the depreciation adjustment otherwise
11 available as a result of this Act."

Amendment [H-1016](#) was adopted.

Eichhorn of Hamilton offered the following amendment [H-1017](#), to amendment [H-1014](#), filed by him from the floor and moved its adoption:

[H-1017](#)

1 Amend the amendment, [H-1014](#), to [House File 102](#) as
2 follows:
3 1. Page 1, by inserting after line 47 the
4 following:
5 ____ Page 2, line 32, by inserting after the
6 word "Act" the following: "or on the return for the
7 tax year immediately preceding the tax year for which
8 its return is filed subsequent to the effective date
9 of this section of this Act"."

Amendment [H-1017](#) was adopted.

On motion by Carroll of Poweshiek, amendment [H-1014](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([H.F. 102](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Bell

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 102](#) be immediately messaged to the Senate.

ADOPTION OF [HOUSE RESOLUTION 4](#)

Roberts of Carroll called up for consideration [House Resolution 4](#) as follows:

- 1 [House Resolution 4](#)
- 2 By Committee On Administration And Rules
- 3 A Resolution relating to permanent rules of the House
- 4 for the ~~eightieth~~ ~~eighty-first~~ general assembly.

5 *Be It Resolved By The House Of Representatives,*
 6 That the permanent rules of the House for the
 7 ~~eightieth~~ eighty-first general assembly be as follows:

8 DIVISION I - GENERAL RULES

9 Rule 1

10 Call to Order and Order of Business

11 The speaker shall take the chair at the hour to
 12 which the house has adjourned, and shall immediately
 13 call the members to order, correct the journal of the
 14 previous day's proceedings, and proceed to other
 15 business, including, but not limited to, introduction
 16 of bills, reports, messages, communications, business
 17 pending at adjournment, resolutions and bills on their
 18 passage.

19 Rule 2

20 Quorum Call and Time of Convening

21 The house shall convene each Monday at 1:00 p.m.
 22 and at 8:45 a.m. on all other legislative days, unless
 23 otherwise ordered. The time of convening shall be
 24 recorded in the journal. The house shall not convene
 25 on Sunday during a regular or special session.

26 The speaker or a member may request a roll call to
 27 determine if a quorum is present.

28 Rule 3

29 Absences from the House

30 No member shall be absent without leave while the

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1 house is in session unless the member is sick or
 2 unable to attend.

3 Rule 4

4 Preservation of Order

5 The speaker shall preserve order and decorum and
 6 speak to points of order in preference to other
 7 members. Subject to an appeal to the house by any
 8 member, the speaker shall decide questions of order
 9 which shall not be debated.

10 The speaker may have the chamber of the house
 11 cleared in case of any disturbance or disorderly
 12 conduct.

13 Only past legislators, state officials, persons
 14 whose presence is deemed by the speaker to be of
 15 special significance to the house, and school classes
 16 accompanied by teachers and seated in the galleries
 17 shall be introduced in the house.

18 The public may take photographs from the galleries
 19 at any time. However, the use of flash bulbs or any
 20 other artificial lighting is prohibited. The press
 21 may photograph from the press section, but may not use
 22 artificial lighting except for live television crews
 23 who receive permission in advance from the chief clerk

24 of the house or the sergeant-at-arms. Photographic
25 instruments shall not be used on the house floor at
26 any time when the members are voting on a question put
27 before the house. Photographic instruments may be
28 used on the house floor at other times with the
29 consent of the subject or subjects of the photography.
30 Rule 4A

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1 Use of Telephonic or Electronic Devices
2 in Chamber Restricted
3 1. In order to prevent the disruption of house
4 deliberations, a person shall not do any of the
5 following in the chamber while the house is in
6 session:
7 a. Allow any audible signal to be continued to be
8 transmitted to or from a telephonic or electronic
9 device under the person's control.
10 b. Disrupt house deliberations by using a
11 telephonic or electronic device to audibly transmit or
12 receive communications.
13 2. A member shall not use a telephonic or
14 electronic device to audibly transmit or receive
15 communications while recognized by the presiding
16 officer to speak in debate.
17 3. The speaker or other presiding officer may have
18 the chamber cleared of any person acting in violation
19 of this rule.
20 Rule 5
21 Rules of Parliamentary Practice
22 The rules of parliamentary practice in Mason's
23 Manual of Legislative Procedure shall govern the house
24 in all cases where they are not inconsistent with the
25 standing rules of the house or the joint rules of the
26 senate and house.
27 Rule 5A
28 House Budget
29 The speaker of the house shall annually prepare a
30 proposed budget for the house of representatives for

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1 the payment of expenses, salaries, per diems, and
2 other items. The proposed budget shall be submitted
3 on the fourteenth day of each legislative session to
4 the house committee in charge of administration, which
5 shall approve a proposed budget in house resolution
6 form within thirty days of receiving the proposed
7 budget from the speaker. The house shall adopt a
8 budget within thirty days of the introduction of the
9 house resolution.

10 Rule 6
11 The Speaker Pro Tempore
12 The house shall, at its pleasure, elect a speaker
13 pro tempore. When the speaker shall for any cause be
14 absent, the speaker pro tempore shall preside, except
15 when the chair is filled by appointment by either the
16 speaker or the speaker pro tempore. If a vacancy
17 occurs in the office of speaker, the speaker pro
18 tempore shall assume the duties and responsibilities
19 of the speaker until such time as the house shall
20 elect a new speaker. The speaker or the speaker pro
21 tempore shall have the right to name any member to
22 perform the duties of speaker, but such substitution
23 shall not extend beyond the adjournment. The acts of
24 the speaker pro tempore shall have the same validity
25 as those of the speaker. In the absence of both the
26 speaker and the speaker pro tempore, the house shall
27 name a speaker who shall preside over it and perform
28 all the duties of the speaker with the exception of
29 signing bills, until such time as the speaker or
30 speaker pro tempore shall be present, and the person's

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1 acts shall have the same force and validity as those
2 of the regularly elected speaker.

3 Rule 7
4 Amendment and Suspension of Rules
5 A motion to change or rescind a standing rule or
6 order of the house requires one day's notice. A
7 motion to suspend a rule, or to table or take from the
8 table a matter, requires an affirmative vote of a
9 constitutional majority. Postponing or changing the
10 order of business requires an affirmative vote of a
11 constitutional majority.

12 Rule 8
13 Violation of House Rules
14 The speaker shall, or any member may, call to order
15 a member who transgresses the rules of the house.
16 With leave of the house, the member called to order
17 may be permitted to explain. If the case requires it,
18 the member shall be subject to censure of the house.

19 Rule 9
20 Referral of Rule Violations
21 The speaker shall, upon complaint of a member, or
22 upon the speaker's own motion, refer any alleged
23 violation of house or joint rules by house members,
24 employees or staff to the house ethics committee upon
25 an initial finding that an investigation is warranted.
26 The ethics committee shall investigate such
27 allegations and report them back to the house with a
28 recommendation.

29 Rule 10
30 Recognition and Decorum in Debate

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1 A member who wishes to speak in debate or deliver
2 any matter to the house shall be appropriately
3 attired, with male members wearing coat or tie, and,
4 after recognition by the chair, shall respectfully
5 address the presiding officer by saying "Mr. or Madam
6 Speaker", shall confine all remarks to the question
7 under debate, and shall avoid personalities.

8 Rule 11
9 Limit on Debate

10 No member shall speak more than once on the same
11 question, without leave of the speaker, nor more than
12 twice until every member choosing to speak has spoken,
13 except as provided in Rule 81. A member shall be
14 limited to ten minutes debate on a bill being
15 considered prior to its last reading, but may be
16 granted an extension of time by consent of the house.

17 Rule 12
18 Decorum During Debate

19 No member shall leave the house while the speaker
20 is putting a question. No one shall pass between the
21 speaker and a member who is speaking or two members
22 who have been recognized by the speaker.

23 Rule 13
24 Stating the Question

25 When a motion is made, it shall be stated by the
26 speaker. A motion made in writing shall be passed to
27 the desk before it is debated.

28 Rule 14
29 Putting the Question
30 Questions shall be distinctly put in this form:

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1 "All those in favor of (the question) shall say
2 'aye';" and after the affirmative voice is expressed,
3 "All those opposed to (the question) shall say 'no'."
4 If the speaker is in doubt or a member of the house
5 requests, a nonrecord roll call vote shall be taken.

6 DIVISION II -EMPLOYEES OF THE HOUSE
7 Rule 15

8 Chief Clerk of the House
9 The chief clerk of the house shall serve as
10 parliamentarian and chief administrative officer of
11 the house under the direction of the speaker of the
12 house. The chief clerk shall supervise the chief
13 clerk's office; be responsible for the custody and
14 safekeeping of all bills, resolutions, and amendments

15 filed, except when they are in the custody of a
 16 committee; have charge of the daily journal; have
 17 control of all rooms assigned for the use of the
 18 house; attest to the accuracy and correctness of text
 19 and action on bills and resolutions; process the
 20 handling of amendments when filed and during the floor
 21 consideration of bills; insert adopted amendments into
 22 bills before transmittal to the senate and prior to
 23 final enrollment; supervise legislative printing and
 24 the distribution of printed material; and perform all
 25 other duties pertaining to the office of the chief
 26 clerk.

27 Rule 16
 28 Reserved
 29 Rule 17
 30 Sergeant-At-Arms

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1 The sergeant-at-arms shall execute all orders of
 2 the house and the presiding officer; perform all
 3 assigned duties related to the policing and good order
 4 of the house; supervise the entrance and exit of all
 5 persons to and from the chamber; promptly execute all
 6 messages, etc.; provide that the chamber is properly
 7 ventilated and open for the use of the members; and
 8 perform all other services pertaining to the office of
 9 sergeant-at-arms.

10 Rule 18
 11 Secretaries

12 All secretaries of the house shall be under the
 13 general direction of the speaker and the chief clerk.
 14 Secretaries shall be on duty at the house from 8:30
 15 a.m. to 4:30 p.m. except when excused by the member to
 16 whom the secretary is assigned. Secretaries shall
 17 perform such additional duties as may be assigned to
 18 them by the chief clerk.

19 Rule 19
 20 Extra Compensation of Employees

21 No employee shall receive any extra compensation,
 22 except as provided by the house, or tips for services
 23 performed while on duty. Any violation of this rule
 24 shall be grounds for removal.

25 DIVISION III - VISITORS AND LOBBYISTS

26 Rule 20
 27 Admission to the House; Lobbying

28 The chamber of the house shall include the
 29 vestibule, restrooms, cloak room, lounge, visitors'
 30 galleries, and floor of the house.

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1 The floor of the house shall consist of that area
2 between the press box, speaker's station, and the
3 south wall behind the last row of desks occupied by
4 representatives, excluding the visitors' galleries.
5 During a legislative day while the house is in
6 session, and one-half hour before the house convenes
7 and one-half hour after the house recesses or
8 adjourns, no person shall be admitted to the floor of
9 the house except:
10 1. Members of the general assembly and authorized
11 house employees in the performance of their duties.
12 2. Former members of the general assembly who are
13 not registered lobbyists.
14 3. A general assembly member's family.
15 4. Representatives of the press, radio, and
16 television who shall go directly to and from the press
17 box.
18 5. Legislative interns approved by the chief clerk
19 who shall go directly to and from the seat of their
20 assigned representative or to be seated in the
21 perimeter seating area.
22 6. Chair, co-chair, and the executive secretary of
23 a political party having members serving in the
24 general assembly.
25 7. Personnel of the ~~Code editor's office,~~
26 ~~legislative service bureau, legislative fiscal bureau,~~
27 ~~services agency and citizens' aide/ombudsman's office,~~
28 ~~computer support bureau and administrative rules~~
29 ~~review committee staff.~~
30 8. The governor's executive assistants and

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1 administrative assistants, members of the state
2 executive council, the lieutenant governor, the
3 attorney general, and the administrative rules
4 coordinator, all of whom shall be confined to the
5 perimeter area.
6 The current status of former members of the general
7 assembly shall govern their access to the floor under
8 these rules.
9 No other persons shall be allowed on the house
10 floor without permission of the presiding officer of
11 the house.
12 No person admitted to the floor of the house,
13 except members of the general assembly, shall, while
14 the house is in session, lobby or attempt to exercise
15 any influence with any member for or against any
16 matter then pending or that may thereafter be
17 considered by the house.
18 Notwithstanding the provisions of this rule

19 regarding admission to the floor of the house, a
 20 registered lobbyist shall not be admitted to the floor
 21 of the house on any day when the house is in session
 22 or committees are scheduled to meet from one-half hour
 23 before the house convenes or 8:45 a.m., whichever is
 24 earlier, until one-half hour after the house adjourns
 25 or until 4:30 p.m., whichever is later. A registered
 26 lobbyist or other person may be admitted to the house
 27 when the house is not in session to gain access to a
 28 committee room.
 29 Each lobbyist shall be given a copy of this rule
 30 when the lobbyist registers.

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1 Each member, employee of the house, and registered
 2 lobbyist shall report violations of this rule
 3 immediately to the sergeant-at-arms.
 4 Any person for cause may be summarily dismissed
 5 from the chamber of the house, by action of the house,
 6 and shall forfeit that person's right to admission
 7 thereafter.

8 Rule 20A

9 Legislative Interns

10 Only one legislative intern per member of the house
 11 is allowed on the floor of the house at any one time.

12 Rule 21

13 Distribution of Literature

14 No person except a member or employee of the house
 15 of representatives shall generally distribute or cause
 16 to be distributed any pamphlets, material, or other
 17 printed literature to the members' desks in the house.
 18 An employee of the house shall generally distribute or
 19 cause to be distributed such literature only on behalf
 20 of the employee's office or staff.

21 All copies of pamphlets, material, or printed
 22 literature distributed by a member or employee of the
 23 house of representatives shall bear the name of the
 24 member or employee's office or staff.

25 Other distributions of pamphlets, material, or
 26 other printed literature shall bear their source of
 27 origin and be distributed through the legislative post
 28 office by completing a form containing a member's or
 29 the chief clerk's authorization, with the
 30 authorization form attached to one copy of the

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1 distribution. The copy with the attached
 2 authorization form shall be retained for a reasonable
 3 time period by the legislative post office.

4 Rule 22

5 Distribution of Materials
6 Printed by the State
7 A member of the house shall not distribute maps,
8 books, and pamphlets such as, but not limited to, How
9 a Bill Becomes Law, which have been printed by the
10 state of Iowa and upon which the name of the member of
11 the house has been affixed unless the member has
12 purchased the materials or unless the member has
13 affixed the words "Paid for by the citizens of Iowa
14 and distributed by representative (member's name)."
15 DIVISION IV –FORMS AND PROCEDURES
16 FOR BILLS AND OTHER DOCUMENTS
17 Rule 23
18 Documents Signed by the Speaker
19 All acts and joint resolutions shall be signed by
20 the speaker, and all writs, warrants, and subpoenas
21 issued by order of the house, shall be signed by the
22 speaker and attested by the chief clerk. The speaker
23 shall cause certificates of recognition or condolence
24 to be issued by the house which shall be signed by the
25 speaker and the chief clerk.
26 Rule 24
27 Presentation of Petitions
28 All petitions, memorials and other papers addressed
29 to the house shall be signed by the member and filed
30 with the chief clerk or the chief clerk's staff.

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1 Rule 25
2 Consideration of Resolutions
3 Action on a resolution, except a memorial
4 resolution, or a proposition requesting information
5 from a state official shall not be taken until one day
6 after the resolution has been placed on the members'
7 desks. After the resolution is adopted, the chief
8 clerk shall transmit certified copies and have the
9 resolution printed in the bound journal. A resolution
10 may be printed in the daily journal upon the approval
11 of the speaker after consultation with the minority
12 leader.
13 Rule 26
14 Unanimous Consent Calendar
15 The speaker may, upon the request of three members,
16 place on a unanimous consent calendar any house
17 resolution or concurrent resolution which does not
18 contain an appropriation and which has been laid over
19 under Rule 25.
20 If such resolution is placed on the unanimous
21 consent calendar, it may be removed only upon a
22 written request submitted to the speaker by a member
23 of the house.

24 If not removed after five legislative days, the
 25 chief clerk shall call up the resolution and without
 26 debate the speaker shall pronounce that it has passed
 27 by unanimous consent.

28 If the resolution is removed from the unanimous
 29 consent calendar, the speaker may again lay the
 30 resolution over under Rule 25, place it on a different

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1 calendar, or refer the resolution to any of the
 2 standing committees of the house.

3 Rule 27

4 Forms of Bills and Joint Resolutions

5 Every house bill shall be introduced by one or more
 6 members or by any standing or specially authorized
 7 committee of the house, the administrative rules
 8 review committee or interim study committee. All
 9 bills and joint resolutions introduced shall be
 10 prepared by the legislative ~~service bureau~~ services
 11 agency with title, enacting clause, text and
 12 explanation as directed by the chief clerk of the
 13 house. One copy of each bill shall be presented in a
 14 bill cover with the number of copies of the bill and
 15 the title as directed by the chief clerk.

16 Rule 28

17 Joint and Nullification Resolutions

18 Joint resolutions shall be framed and treated as
 19 bills.

20 A "nullification resolution" is a joint resolution
 21 which nullifies all of an administrative rule, or a
 22 severable item of an administrative rule adopted
 23 pursuant to chapter 17A of the Code. A nullification
 24 resolution shall not amend an administrative rule by
 25 adding language or by inserting new language in lieu
 26 of existing language.

27 A nullification resolution may be introduced by an
 28 individual, a standing committee or the administrative
 29 rules review committee, and may be referred to a
 30 standing committee. A nullification resolution is

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1 debatable, but cannot be amended on the floor of the
 2 house.

3 Rule 29

4 Time of Introduction of Bills

5 No bill or joint resolution under individual
 6 sponsorship, other than a nullification resolution,
 7 shall be read for the first time after 4:30 p.m. on
 8 Friday of the 6th week of the first regular session of
 9 the general assembly unless a written request for

10 drafting the bill has been filed with the legislative
11 ~~service bureau~~ services agency before that time.
12 After adjournment of the first regular session,
13 bills may be prefiled at any time before the convening
14 of the second regular session. No bill or joint
15 resolution under individual sponsorship, other than a
16 nullification resolution, shall be read for the first
17 time after 4:30 p.m. on Friday of the second week of
18 the second regular session of the general assembly
19 unless a written request for drafting the bill has
20 been filed with the legislative ~~service bureau~~
21 services agency before that time.

22 However, bills or joint resolutions sponsored by
23 standing committees or the administrative rules review
24 committee, co-sponsored by the majority and minority
25 floor leaders, or companion bills sponsored by the
26 house majority leader and the senate majority leader
27 may be drafted and introduced at any time permissible
28 under Joint Rule 20. House, concurrent, and
29 nullification resolutions may be introduced at any
30 time.

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1 Rule 30

2 Introduction and Reading of Bills

3 All bills and resolutions to be introduced in the
4 house shall be typed in proper form and filed with the
5 chief clerk no later than 4:30 p.m. on the legislative
6 day preceding its introduction.

7 Every bill shall receive two readings but no bill
8 shall receive its first and last readings on the same
9 day.

10 A "reading of a bill" as required by these rules
11 shall consist of a reading of the title and enacting
12 clause unless otherwise demanded by a house member.

13 Rule 31

14 First Reading, Commitment, and Amendment

15 31.1. A bill is introduced into the house by an
16 initial or "first reading of the bill".

17 31.2. When the house is in session the first
18 reading shall consist of a "reading" as provided in
19 Rule 30.

20 31.3. Upon a first reading of the bill, the
21 speaker shall state that it is ready for commitment or
22 amendment; and the speaker shall commit it to the
23 standing or select committee, or to a committee of the
24 whole house. If to a committee of the whole house,
25 the house shall determine on what day.

26 31.4. On a day when the house is not in session,
27 the speaker shall cause a statement, which shall
28 consist of the title, enacting clause, bill number and

29 committee to which the bill is referred to be
30 published in the house journal. This publication

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1 shall constitute a first reading and commitment and
2 shall contain the notation "read and committed under
3 Rule 31.4".

4 31.5. All amendments offered to bills on file or
5 on the regular calendar shall be accompanied by such
6 copies as the chief clerk shall direct.

7 31.6. Such amendments shall give the number of the
8 bill sought to amend and the chief clerk shall
9 designate each such amendment thus: Amendment to
10 House File _____, or Senate File _____, by
11 _____.

12 31.7. A bill reported out by committee shall go to
13 the speaker who shall direct that the bill be placed
14 on the regular calendar unless it covers subject
15 matter more properly within the jurisdiction of some
16 other standing committee, in which case the speaker
17 shall refer the bill to the proper standing committee.
18 In order to expedite important business and set a
19 definite time for the bill's consideration, the
20 speaker may direct the bill to be placed on the
21 special order calendar.

22 31.8. No amendment to the rules of the house, to
23 any resolution or bill, except technical amendments
24 and amendments to bills substituted for by senate
25 files containing substantially identical title,
26 language, subject matter, purpose and intrasectional
27 arrangement, shall be considered by the membership of
28 the house without a copy of the amendment having been
29 filed with the chief clerk by 4:00 p.m. or within one-
30 half hour of adjournment, whichever is later, on the

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1 day preceding floor debate on the amendment. If the
2 house adjourns prior to 2:00 p.m. on Friday, the final
3 deadline is two hours after adjournment. However,
4 committee amendments filed pursuant to the submission
5 of the committee report may be accepted after this
6 deadline. This provision shall not apply to any
7 proposal debated on the floor of the house after the
8 fourteenth week of the first session and the twelfth
9 week of the second session. No amendment or amendment
10 to an amendment to a bill, rule of the house, or
11 resolution shall be considered by the membership of
12 the house without a copy of the amendment being on the
13 desks of the entire membership of the house prior to
14 consideration. However, after the fourteenth week of

15 the first session and the twelfth week of the second
16 session, the membership of the house may consider an
17 amendment or an amendment to an amendment to a bill,
18 rule of the house, or resolution without a copy of the
19 amendment being on the desks of the entire membership
20 of the house prior to consideration if a copy of the
21 amendment is made available to the entire membership
22 of the house electronically.

23 Rule 32

24 Commitment of Appropriation and Revenue Bills

25 All bills to appropriate money shall be referred to
26 the appropriations committee, and all bills pertaining
27 to the levy, assessment, or collection of taxes shall
28 be referred to the committee on ways and means.

29 Rule 33

30 Regular Calendar

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1 Bills, nullification resolutions, and joint
2 resolutions reported out for passage, or amendment and
3 passage, or without recommendation, by a committee,
4 shall be arranged on a regular calendar by the chief
5 clerk each day at 4:30 p.m. in the order of the file
6 number of the bills and following the preceding
7 legislative day's regular calendar. Priority shall be
8 given to house over senate file numbers and to joint
9 resolutions over bills in the arrangement of the
10 regular calendar.

11 Rule 34

12 Debate and Special Order Calendars

13 The majority floor leadership shall cause to be
14 prepared and distributed to the members at the opening
15 of each session day when floor action is scheduled, a
16 daily debate calendar consisting of bills,
17 nullification resolutions, and joint resolutions from
18 the regular calendar setting forth the number and
19 title of bills, nullification resolutions, and joint
20 resolutions for the next session day that floor action
21 is scheduled.

22 The majority floor leadership shall cause to be
23 prepared and distributed to the members at the opening
24 of each session day when floor action is scheduled, a
25 special order calendar setting forth the number and
26 title of bills, nullification resolutions, and joint
27 resolutions and the date upon which debate is
28 scheduled to begin on each of them, which can be no
29 sooner than five session days from the first date of
30 publication on the regular calendar.

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1 This rule does not apply to bills which have passed
2 both houses in different forms, reconsiderations, or
3 veto reconsiderations.

4 Rule 35

5 Noncontroversial Calendar

6 The majority floor leadership may cause to be
7 prepared a noncontroversial calendar consisting of
8 bills and joint resolutions from the regular calendar.
9 The noncontroversial calendar shall appear under
10 separate heading on the regular calendar.

11 Notwithstanding Rule 34, a bill or joint resolution
12 on the noncontroversial calendar may be called up for
13 debate at any time by the majority leader beginning
14 the third legislative day after it appears on the
15 noncontroversial calendar. A bill or joint resolution
16 shall be stricken from the noncontroversial calendar
17 if a written objection to the bill or joint resolution
18 is filed with the chief clerk prior to the time the
19 bill or joint resolution is called up by the majority
20 leader.

21 Debate on a bill or joint resolution from the
22 noncontroversial calendar shall be limited to ten
23 minutes. If debate exceeds ten minutes, the bill or
24 joint resolution shall be stricken from the
25 noncontroversial calendar.

26 Rule 36

27 Consideration of Committee Amendments

28 After a bill has been referred and reported back,
29 it shall be considered on its first reading after the
30 amendments of the committee have been read.

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1 Rule 37

2 Amendments to Special Order Bills

3 All amendments to bills on the special order
4 calendar shall be filed at least three session days
5 prior to the date set for debate. Amendments to an
6 amendment shall be filed at least two session days
7 prior to the date set for debate. However, corrective
8 amendments and amendments sponsored by either the
9 majority floor leader or the minority floor leader may
10 be filed at any time. Rule 31.8 shall not apply to
11 these amendments.

12 A corrective amendment is an amendment which does
13 not substantively change the amendment or the bill.

14 Rule 38

15 Irrelevant Amendments

16 No motion or proposition on a subject different
17 from that under consideration shall be admitted under
18 color of an amendment.

19 Rule 39
20 Consideration of Bills
21 Bills, including committee bills, and nullification
22 resolutions, reported out for passage, for indefinite
23 postponement, for amendment and passage, or without
24 recommendation by the committee, shall not be acted
25 upon until after the second legislative day following
26 the day the report was printed in the journal.
27 ~~Prior to noon or adjournment, whichever is later,~~
28 ~~on the last legislative day of the week, the majority~~
29 ~~leader shall prepare a list of bills reported out of~~
30 ~~committee that week which have not yet appeared on the~~

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1 ~~regular calendar.~~
2 The reports of the committees shall not be read
3 while the house is in session except as herein
4 provided. The reports shall be printed in the journal
5 immediately after they are filed with the chief clerk.
6 Reports recommending bills for passage, for amendment
7 and passage, or without recommendation shall stand
8 approved unless written objections are filed during
9 the first legislative day following their printing in
10 the journal. If objections are filed, they shall be
11 disposed of as soon as possible. Reports recommending
12 indefinite postponement shall be governed by Rule 44.
13 Upon an affirmative vote of at least a
14 constitutional majority of the members, a report may
15 be read before it is printed in the journal and while
16 the house is in session, and acted upon at once.
17 Rule 40
18 Consideration of Bills Upon Last Reading
19 No amendment, unless by way of correcting an error
20 or omission, shall be received to any bill on its last
21 reading, and no debate shall be allowed on it.
22 Rule 41
23 Printing of Bills and Joint Resolutions
24 Bills and joint resolutions shall be printed in
25 form as provided by law and by rule. Each house may
26 direct the printing of an additional number of its own
27 bills.
28 Legalizing bills of a local or private nature shall
29 be printed in bill form and placed in the files of the
30 members, the same as other bills, in the order of

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1 their introduction. The cost of printing shall be
2 deposited with the treasurer of state in advance at a
3 rate to be fixed, and the newspaper publication of the
4 bill shall be without cost to the state. No

5 legalizing act may be introduced until all provisions
6 of law have been complied with.

7 Rule 42

8 Certification and Engrossment of Bills

9 The chief clerk shall certify the passage of each
10 bill and note the date of its passage.

11 In engrossing a bill, the chief clerk shall correct
12 all obvious typographical, spelling, or other clerical
13 errors and change section subunit numbers and letters
14 and internal references as required to conform the
15 original bill to any amendments which have been
16 adopted. The chief clerk shall report all such
17 corrections or changes in the journal. The engrossed
18 bill shall be placed in the bill file with the
19 original bill and amendments.

20 Rule 43

21 Rereferral

22 A bill may be rereferred at any time before its
23 passage and after the report of its referral to
24 committee.

25 Rule 44

26 Effect of Indefinite Postponement

27 When a question is indefinitely postponed, it shall
28 not be acted upon again during that session. Any bill
29 which receives a committee recommendation of
30 indefinite postponement shall be disposed of within

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1 three legislative days after the printed journal
2 containing the report has been placed upon the desks
3 of the members of the house, or the committee
4 recommendation will be considered adopted.

5 Rule 45

6 Status of Bills Following

7 First Regular Session

8 Except for those bills which have been adopted by
9 both houses in different forms, all bills which have
10 not been withdrawn, defeated or indefinitely
11 postponed, shall be rereferred to committee upon
12 adjournment of the first regular session. Within
13 seven days after the first committee meeting following
14 convening of the second regular session, the committee
15 chair shall submit the bill to the full committee for
16 action or the chair shall reassign the bill to a
17 subcommittee.

18 DIVISION V – COMMITTEE PROCEDURES

19 Rule 46

20 Appointment of Committees

21 All committees shall be appointed by the speaker,
22 unless otherwise especially directed by the house.

23 Rule 47

24 Order on Question of Commitment
25 When a resolution is offered or a motion made to
26 refer any subject, and different committees are
27 proposed, the question shall be taken in the following
28 order: The committee of the whole house; a standing
29 committee; a select committee.
30 Rule 48

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1 Study Bills
2 A study bill is any matter which a member of the
3 house wishes to have considered by a standing
4 committee, other than appropriations, and which has
5 not been included in a previously introduced bill.
6 Upon taking possession of a study bill, the committee
7 chair shall notify the speaker and then submit fifteen
8 copies of the bill to the legal counsel's office for
9 numbering.
10 A study bill shall bear the name of the member who
11 wishes to have the bill considered. A study bill
12 submitted by a state agency or board for consideration
13 shall bear the name of the state agency or board. A
14 committee chair may submit a study bill in the name of
15 that committee.
16 Final committee action on a study bill shall not be
17 taken until one day following the notation of the
18 study bill assignment in the house journal.
19 A study bill not prepared by the legislative
20 ~~service bureau~~ services agency may be submitted to a
21 standing committee, but shall not be considered by the
22 full committee unless reviewed and typed in proper
23 form by the legislative ~~service bureau~~ services
24 agency.

25 Rule 49
26 Committee Meetings
27 No committee, except a conference committee or the
28 administrative rules review committee, shall meet
29 while the house is in session without special leave.
30 Two committees with overlapping memberships shall not

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1 meet at the same time without special leave.
2 Rule 50
3 Smoking Prohibited
4 Smoking shall not be permitted in the house or in
5 any area of the capitol building controlled by the
6 house or controlled jointly by the house and senate.
7 Rule 50A
8 Nondegradable Polystyrene Cups
9 The use of nondegradable polystyrene cups shall not

10 be permitted on the floor of the house, at the
11 speaker's station, or in the press boxes.

12 Rule 51

13 Assignments to Subcommittee

14 The chair of the committee shall report to the
15 house the bill number of each bill assigned to
16 subcommittee and the names of the subcommittee
17 members. The report shall be printed in the journal.

18 All bills, prior to consideration by the committee,
19 shall be referred by the chair to a subcommittee,
20 unless acted upon by a committee of the whole.

21 The chair may assign bills to subcommittees without
22 a meeting of the committee, but the membership of the
23 subcommittee so appointed shall be reported at the
24 next meeting of the committee.

25 Rule 52

26 Open Meetings

27 Standing committee meetings shall be open, and
28 voting by secret ballot is prohibited. The committee
29 on administration and rules may close its meetings to
30 evaluate the professional competency of an individual

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1 whose appointment, hiring, performance, or discharge
2 is being considered when necessary to prevent needless
3 and irreparable injury to that individual's reputation
4 on the request of the affected individual.

5 Rule 53

6 Quorum and Vote Requirements

7 The committee roll shall be taken at the convening
8 of each meeting to determine the presence of a quorum.
9 A majority of the committee membership shall
10 constitute a quorum.

11 An affirmative vote of a majority of the committee
12 membership is required to report a bill out of
13 committee or to suspend a committee rule.

14 A motion to reconsider may be made only by a
15 committee member who voted on the prevailing side of
16 the question sought to be reconsidered. A motion to
17 reconsider may only be made provided the bill is still
18 in possession of the committee.

19 If a member, who is in the committee room when a
20 question to report a bill out of committee is put, has
21 not asked to be excused prior to commencing to take
22 the vote on the question, the member shall vote aye or
23 nay unless the committee has excused the member for
24 special reasons. However, a member may pass on the
25 first taking of the roll call on the question but
26 shall vote aye or nay when the member's name is called
27 for a second time.

28 Rule 54

29 Committee Attendance Record and Report
30 of Committee Form

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- 1 1. A committee attendance record shall be filed
2 with the chief clerk no later than 10:00 a.m. or two
3 hours after the house convenes, whichever is later, of
4 the legislative day immediately following the day of
5 the committee meeting. The committee attendance
6 record is a public record and may be published in the
7 journal. The committee attendance record shall
8 include the following information:
9 a. The time the meeting convened.
10 b. The members present at the meeting.
11 c. The time the meeting adjourned.
12 d. A list of bills receiving final committee
13 disposition.
14 2. A report of committee form shall be filed with
15 the chief clerk no later than 10:00 a.m. or two hours
16 after the house convenes, whichever is later, of the
17 legislative day immediately following the day of the
18 committee meeting for each study bill, numbered bill
19 or resolution receiving final committee disposition.
20 The report of committee form is a public record and a
21 report of committee action shall be printed in the
22 journal. The report of committee form shall include
23 the following information:
24 a. The committee action taken.
25 b. The committee amendment number, if any.
26 c. The roll call vote of the committee on final
27 disposition.
28 d. The minority recommendation, if any.
29 3. Upon final adjournment of the first session and
30 final adjournment of the second session of the general

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- 1 assembly, the chair of each committee shall have
2 placed the committee's book of record containing
3 minutes, roll calls, rules, etc., with the chief clerk
4 for access of any interested person.
5 Rule 55
6 Minority Recommendation
7 The minority of the members of a committee may
8 present its recommendations on the final disposition
9 of a bill to the house by attaching its recommendation
10 to the committee report and the same shall be printed
11 in the journal with the committee report.
12 Rule 56
13 Committee Amendment
14 Whenever a committee amendment is proposed which

15 would amend another committee amendment, the amendment
16 shall be drafted in the form of a substitute amendment
17 and shall be considered as such.

18 Rule 57

19 Committee Notice and Agenda

20 Each committee shall prepare and publish a notice
21 and agenda of each committee meeting at least one
22 legislative day prior to the meeting. The notice and
23 agenda may be placed on the desks of or transmitted
24 electronically to committee members.

25 The notice shall contain the committee name, the
26 date, time, and location of the meeting.

27 The agenda shall contain the matters to be
28 discussed, including a list of bills, joint
29 resolutions, nullification resolutions, and study
30 bills by number. The agenda should contain the names

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1 of individuals who are scheduled to appear before the
2 committee and the organization which they represent.

3 A bill, joint resolution, nullification resolution,
4 or study bill shall not be reported out of committee
5 if the bill was not included in the published notice
6 and agenda unless this rule is suspended by a majority
7 of the total membership of the committee.

8 A committee chair may call a meeting without
9 providing the required notice and agenda upon leave of
10 the house if a notice is either electronically
11 transmitted to committee members and placed on the
12 bulletin board or placed on the desks of committee
13 members.

14 Rule 58

15 Clearing of Committee Room

16 The chair of a committee may clear the committee
17 room in case of any disturbance or disorderly conduct.

18 Rule 58A

19 Use of Telephonic or Electronic Devices
20 in Committee Rooms Restricted

21 1. In order to prevent the disruption of committee
22 deliberations, a person shall not do any of the
23 following in any committee room while a standing
24 committee is in session:

25 a. Allow any audible signal to be continued to be
26 transmitted to or from a telephonic or electronic
27 device under the person's control.

28 b. Use a telephonic or electronic device to
29 audibly transmit or receive communications.

30 2. The chair or acting chair of a standing

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1 committee may clear the committee room of any person
2 acting in violation of this rule.

3 Rule 59

4 Committee Amendments

5 All amendments to a bill or resolution adopted in
6 committee shall be incorporated in a single committee
7 amendment or incorporated in a new committee bill.

8 Rule 60

9 Withdrawal of Bills

10 or Nullification Resolutions

11 From Committee

12 A bill or nullification resolution which has been
13 in committee for eighteen legislative days following
14 notation of such referral in the journal may be
15 withdrawn from the committee and placed on the
16 calendar by an affirmative vote of not less than
17 fifty-one members of the house.

18 Rule 61

19 Committee Public Hearings

20 The chair of a committee may call a public hearing
21 for the purpose of receiving public comment on any
22 matter within the purview of the committee.

23 The chair shall call a public hearing upon the
24 written request of committee members according to
25 committee rules, but no more than one-third of the
26 committee members shall be required.

27 A public hearing shall not be called or requested
28 after final action on the bill has been taken by the
29 committee. However, a public hearing called or
30 requested before final action has been taken by the

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1 committee may be held after final action on the bill
2 has been taken by the committee.

3 The chair shall designate a time and place for a
4 public hearing and provide public notice at least five
5 days prior to a public hearing.

6 A bill for which a public hearing has been called
7 can be voted to the calendar but cannot be debated
8 until after the public hearing has been held.

9 However, public hearings which have been requested
10 during or after the 9th week of the first session and
11 during or after the 7th week of the second session
12 must be held within four legislative days of the date
13 of the request.

14 Rule 62

15 Limitation on Filing of Claims

16 A claim or claim bill, the subject matter of which
17 has been considered or filed for consideration in the
18 house or any of its committees, in two or more prior

19 sessions of the general assembly, shall not be
 20 considered by any committee or by the house unless it
 21 has been specifically referred to this session by a
 22 prior general assembly. The committee on
 23 appropriations is authorized to set a definite date
 24 after which it will not receive claims or claim bills
 25 for consideration.

26 DIVISION VI – COMMITTEE OF THE WHOLE

27 Rule 63

28 Organization of Committee of the Whole

29 In forming the committee of the whole house, the
 30 speaker shall appoint a member to preside in committee

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1 and then leave the chair.

2 Rule 64

3 Rules in Committee of the Whole

4 The rules of the house shall be observed in
 5 committee of the whole house, so far as they are
 6 applicable.

7 Rule 65

8 Bills in Committee of the Whole

9 Bills committed to the committee of the whole house
 10 shall first be read in their entirety by the chief
 11 clerk or chair and then read again or debated by
 12 section, leaving the preamble to be considered last.
 13 After report, the bill shall again be subject to
 14 debate and amendment before a vote is had on its last
 15 reading and passage.

16 Rule 66

17 Amendments by Committee of the Whole

18 All amendments made to a report committed to a
 19 committee of the whole house shall be noted and
 20 reported as in the case of bills.

21 DIVISION VII = MOTIONS

22 Rule 67

23 Order and Precedence of Motions

24 The following order and precedence of motions shall
 25 govern when a question is under debate:

- 26 11. Adjourn.
- 27 10. Recess.
- 28 9. Questions of privilege.
- 29 8. Lay on the table.
- 30 7. Previous question.

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- 1 6. Postpone definitely or to a certain time.
- 2 5. Refer or commit.
- 3 4. Defer.
- 4 3. Amend an amendment.

5 2. Amend.

6 1. Postpone indefinitely.

7 These motions are listed in descending order of
8 precedence.

9 A motion to postpone definitely or to a certain time, to
10 refer or commit, or to postpone indefinitely a particular
11 question shall not be considered more than once on the same day.

12 Adoption of a motion to strike the enacting words is equivalent
13 to rejection of the question.

14 Rule 68

15 Order of Consideration of Amendments

16 Amendments shall be considered by earliest position
17 in the bill. Amendments to the same place in the bill
18 shall be considered by the lowest amendment number.
19 An amendment which inserts language after a line and
20 an amendment which inserts language before the
21 succeeding line shall be considered amendments to the
22 same place in the bill.

23 However, an amendment to strike the enacting clause
24 shall always be considered first. An amendment filed
25 by a committee shall have the next highest order of
26 priority, followed by an amendment to strike
27 everything after the enacting clause and insert new
28 language. An amendment to strike language or to
29 strike and insert new language, except an amendment to
30 strike everything after the enacting clause and insert

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1 new language, shall not be considered before
2 amendments to perfect all or part of the same portion
3 of the bill.

4 Rule 69

5 Motions Not Debatable

6 The motions to lay on the table, to adjourn, to
7 adjourn to a time certain, for the previous question,
8 to defer, to rerefer, and appeals of a ruling of the
9 presiding officer shall be decided without debate.

10 Rule 70

11 Motion to Adjourn

12 A motion to adjourn shall always be in order,
13 except when a member is speaking or the house is
14 voting.

15 Rule 71

16 Withdrawal of Motions

17 After a motion is stated by the speaker, or read by
18 the chief clerk, it shall be deemed to be in
19 possession of the house, but may be withdrawn by leave
20 of the house.

21 Rule 72

22 Referral and Rereferral

23 Motions and reports may be referred and rereferred

24 at the pleasure of the house.

25 Rule 73

26 Reconsideration

27 1. A motion to reconsider may be made only by a
28 member who voted on the prevailing side of the
29 question sought to be reconsidered.

30 2. A motion to reconsider may be made not later

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1 than adjournment on the day following the day of the
2 action sought to be reconsidered. Where the floor
3 manager voted on the prevailing side, the floor
4 manager has the prior right to make the motion, until
5 adjournment on the day of the action sought to be
6 reconsidered. A motion to reconsider a nullification
7 resolution shall be acted upon not later than
8 adjournment on the legislative day following the day
9 of the action sought to be reconsidered.

10 3. A motion to reconsider made following the
11 ninety-seventh calendar day of the first regular
12 session, or the eighty-seventh calendar day of the
13 second regular session, may be taken up when made. A
14 motion made at any other time may be taken up prior to
15 the third day succeeding the day of the action sought
16 to be reconsidered only if called up by the mover, and
17 after the second day succeeding the day of the action
18 sought to be reconsidered if called up by any member.

19 4. The making of a motion to reconsider takes
20 precedence over all other questions.

21 5. No motion to reconsider passage, adoption or
22 failure of any bill, nullification resolution or joint
23 resolution shall prevail unless it obtains a
24 constitutional majority. When passage, adoption or
25 failure is reconsidered, questions on amendments may
26 also be reconsidered and shall be disposed of
27 immediately.

28 6. A motion that the motion to reconsider be laid
29 on the table is in order. The effect of laying the
30 motion to reconsider on the table is to cause the bill

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1 or joint resolution to proceed on its regular course
2 immediately.

3 7. In the event that a motion to reconsider is
4 pending at the end of the first session or any
5 extraordinary session of any general assembly, or the
6 general assembly adjourns sine die, and the motion to
7 reconsider has not been voted upon by the house, the
8 motion shall be determined to have failed.

9 DIVISION VIII – VOTING

10 Rule 74
11 Manner of Voting
12 Members present may cast their votes, either by
13 operating the voting mechanism located at their
14 assigned desk or by signaling the speaker from the
15 floor of the house or from the south visitors' gallery
16 if they are unable to vote at their assigned desk.
17 The speaker shall enter the votes of members signaling
18 their votes. Upon direction of the speaker or upon
19 request of two members during the taking of the vote
20 of the house on any question, only those members at
21 their desks and voting shall be counted. Members who
22 are not present shall not cast their votes except:
23 1. Members who have not voted may record their
24 votes on any record roll call vote except quorum calls
25 within ten minutes after the vote has been announced,
26 providing the vote does not change the outcome of the
27 vote on that question. A member may request
28 announcement of the names of members so recorded after
29 the ten-minute period.
30 2. Members meeting in a conference committee or in

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1 administrative rules review committee at the time a
2 vote is taken on a question may have their vote
3 recorded within thirty minutes or adjournment,
4 whichever is first of that same legislative day,
5 providing the vote does not change the outcome of the
6 vote on that question.

7 Rule 75
8 Duty of Voting

9 Except as limited in Rule 74, every member who is
10 in the house when a question is put shall vote unless
11 the house has excused that member for special reasons;
12 however, such member must have asked to be excused
13 prior to commencing to take the vote on the main
14 question.

15 Rule 76
16 Limitation on Right to Vote

17 No member shall vote on any question in which that
18 person is financially interested.

19 Rule 77
20 Call of the House

21 Upon written request of five members, the presiding
22 officer shall compel attendance of absent and
23 unexcused members for the consideration of specified
24 bills or resolutions.

25 A call of the house shall specify the propositions
26 to which it is to apply, and must be put into effect
27 before roll call is taken on the proposition. The
28 request may be filed at any time before final action

29 upon the propositions with the chief clerk, who shall
30 notify the house immediately.

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1 Rule 78
2 Method of Calling the House
3 Upon a call of the house, the names of the members
4 shall be called by the chief clerk and the absentees
5 noted, after which the names of the absentees shall
6 again be called. The sergeant-at-arms shall be
7 directed by the speaker to compel the attendance of
8 absent members, unless they are previously excused.
9 Any member occupying the member's seat during a call
10 of the house shall be counted by the speaker and that
11 person's name entered in the journal as being present
12 for the purpose of making a quorum.

13 Rule 79
14 Method of Calling the Roll
15 The electrical voting machine shall be used for a
16 call of the house, a quorum call or a roll call vote
17 on any question. If the electrical voting machine is
18 not in operating order when it is necessary to take a
19 record roll call vote, the presiding officer shall
20 order the vote to be taken by calling the roll in
21 alphabetical order, except the name of the presiding
22 officer shall be called last.

23 During the casting of the vote with the voting
24 machine, the individual votes and the vote totals
25 shall be shown on the display boards. Before the
26 voting machine is closed, the presiding officer shall
27 inquire of the house, "Have you all voted?"

28 Rule 80
29 Quorum and Record Roll Call Votes
30 A majority of the members shall constitute a

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1 quorum.
2 A record roll call vote shall be ordered upon
3 request of any two members. The names of the members
4 requesting the record roll call shall be entered in
5 the journal.

6 Rule 81
7 Previous Question
8 When a member moves for a previous question, that
9 member shall state whether the motion will apply to
10 the main question, to all the amendments, or to
11 particular amendments. The motion requires an
12 affirmative vote of at least a constitutional majority
13 of the members. If the motion for a previous question
14 is not adopted, the house shall proceed in the same

15 manner as before the motion was made.
16 If the motion is adopted, all debate must end and
17 the house will vote upon the question except:
18 1. If the motion applies to the main question, the
19 member in charge of the measure will have ten minutes
20 to speak for the purpose of closing discussion before
21 the vote on the measure is taken.
22 2. If the motion applies to an amendment, the
23 member proposing the amendment will have five minutes
24 to speak for the purpose of closing discussion before
25 the vote on the amendment is taken.
26 3. If a member has filed a written request with
27 the chief clerk of the house indicating the member's
28 desire to speak on a particular question. The request
29 must be filed before the motion is made by the movant.
30 The request allows a member to speak on a particular

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1 question before the closing discussion by the member
2 who is in charge of the measure or who is proposing
3 the amendment.

4 Rule 82

5 Division of the Question

6 Any member may call for a division of the question,
7 which shall be divided if it comprehends questions so
8 distinct that one being taken away, the remainder may
9 stand separately for discussion by the house. A
10 motion to strike out being lost shall not preclude
11 either an amendment or a motion to strike out and
12 insert. A motion to strike out and insert shall be
13 deemed indivisible.

Hogg of Linn asked and received unanimous consent to withdraw amendments [H-1002](#) and [H-1004](#) filed by him on January 14, 2005.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment [H-1001](#) filed by Murphy, et al., on January 13, 2005.

Murphy of Dubuque offered the following amendment [H-1005](#) filed by Murphy, et al., and moved its adoption:

[H-1005](#)

1 Amend [House Resolution 4](#) as follows:
2 1. Page 24, line 22, by inserting after the word
3 "house." the following: "The percentage of majority
4 and minority member representation on all standing

5 committees and subcommittees shall be proportional to
 6 the actual percentage of majority and minority member
 7 representation in the full house, plus or minus two
 8 percent, except that the majority shall be guaranteed
 9 a majority representation of one member on all such
 10 committees and subcommittees."

Roll call was requested by Murphy of Dubuque and T. Taylor of Linn.

On the question "Shall amendment [H-1005](#) be adopted?" ([H.R. 4](#))

The ayes were, 48:

Berry	Bukta	Cohoon	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, D.	Taylor, T.
Thomas	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Zirkelbach

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Mr. Speaker	
		Rants	

Absent or not voting, 1:

Bell

Amendment [H-1005](#) lost.

Gaskill of Wapello asked and received unanimous consent to withdraw amendment [H-1009](#) filed by her on January 20, 2005.

Gaskill of Wapello offered the following amendment [H-1010](#) filed by her and moved its adoption:

[H-1010](#)

1 Amend [House Resolution 4](#) as follows:
2 1. Page 26, by inserting after line 24 the
3 following:
4 "Rule 51A
5 Subcommittee Notice
6 Each subcommittee shall prepare and publish a
7 notice of its initial meeting. The notice shall
8 contain the date, time, and location of the initial
9 meeting. The notice shall be published at least
10 twenty-four hours prior to the initial meeting. A
11 subcommittee chair may call the initial meeting of the
12 subcommittee without publishing the required notice
13 provided there is good cause.
14 Each subcommittee shall make a good faith effort to
15 publish notice of its meetings, held subsequent to its
16 initial meeting, at least twenty-four hours before the
17 meetings."

A non-record roll call was requested.

The ayes were 44, nays 49.

Amendment [H-1010](#) lost.

Hogg of Linn asked and received unanimous consent to withdraw amendment [H-1003](#) filed by him on January 14, 2005.

Roberts of Carroll moved the adoption of [House Resolution 4](#).

A non-record roll call was requested.

The ayes were 53, nays 44.

The motion prevailed and the resolution was adopted.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- 2005\149 Richard and Beverly Ohrt, Tipton – For celebrating their 50th wedding anniversary.
- 2005\150 J. Leon and Alice D. Timmerman, Bennett – For celebrating their 70th wedding anniversary.
- 2005\151 Wilma Weatherly, La Porte City – For celebrating her 100th birthday.
- 2005\152 Fred and Marie Zingg, Independence – For celebrating their 60th wedding anniversary
- 2005\153 Lloyd Dutler, La Porte City – For celebrating his 80th birthday.
- 2005\154 Gordon and Betty Dye, Mason City – For celebrating their 50th wedding anniversary.
- 2005\155 Cletus Carlson, Mason City – For celebrating his 80th birthday.
- 2005\156 Charlene Wedmore, Mason City – For celebrating her 80th birthday.
- 2005\157 Bernard and Peggy Lucas, Nora Springs – For celebrating their 50th wedding anniversary.
- 2005\158 Dean and Darlene Michels, New Haven – For celebrating their 50th wedding anniversary.
- 2005\159 Mr. and Mrs. Raymond Steffen, Orchard – For celebrating their 60th wedding anniversary.
- 2005\160 Willard and Lorene Wolf, Charles City – For celebrating their 60th wedding anniversary.
- 2005\161 Roger and Marlys Claus, Ocheyedan – For celebrating their 50th wedding anniversary.
- 2005\162 Clarence and Catherine Pohlen, Hospers – For celebrating their 60th wedding anniversary.
- 2005\163 Sam and Josie Van Den Berg, Sheldon – For celebrating their 70th wedding anniversary.
- 2005\164 Elsie Johannsen, Paullina – For celebrating her 90th birthday.

- 2005\165 Bob and Muriel Hamilton, Sigourney – For celebrating their 60th wedding anniversary.
- 2005\166 Minnie Werner, Amana – For celebrating her 85th birthday.
- 2005\167 Charles and Mary Berg, Terril – For celebrating their 50th wedding anniversary.
- 2005\168 Don Goodell, Lake Park – For celebrating his 80th birthday.
- 2005\169 Bill Holiday, Estherville – For celebrating his 80th birthday.
- 2005\170 Mr. and Mrs. Robert Smith, Wahpeton – For celebrating their 50th wedding anniversary.
- 2005\171 Don and Delores Schwaller, Milford – For celebrating their 50th wedding anniversary.
- 2005\172 Carl and Sally Ingwersen, Lake Park – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 21](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 28](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 34](#)

Economic Growth: Wilderdyke, Chair; Fallon and May.

[House File 60](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 97](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 98](#)

Economic Growth: Struyk, Chair; Lukan and Reichert.

[House File 99](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 103](#)

Natural Resources: Jepkes, Chair; Rasmussen and Reichert.

[House File 110](#)

Commerce, Regulation and Labor: Struyk, Chair; Jacobs and Petersen.

[House File 112](#)

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

[House File 113](#)

Public Safety: Chambers, Chair; Dolecheck and Heddens.

[House File 116](#)

Natural Resources: Van Engelenhoven, Chair; Whitead and Wilderdyke.

[House File 117](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 118](#)

Education: Granzow, Chair; Boal and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 37](#)

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

[House Study Bill 38](#)

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

[House Study Bill 39](#)

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 40](#) **Public Safety**

Relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

[H.S.B. 41](#) **Public Safety**

Relating to changing or amending a citation and complaint for certain criminal violations.

H.S.B. 42 Public Safety

Expanding the criminal offense of willful injury, and providing a penalty.

H.S.B. 43 Public Safety

Prohibiting a person who is the subject of a protective order or who has been convicted of a misdemeanor crime of domestic violence in violation of federal law from possessing, transferring, or selling firearms or offensive weapons and providing a penalty.

H.S.B. 44 Public Safety

Relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

H.S.B. 45 State Government

Providing for state employee payroll deductions for Iowa educational savings plan trust contributions.

H.S.B. 46 Public Safety

Expanding the criminal offense of possessing contraband in correctional institutions to include possessing contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail, and providing a penalty.

H.S.B. 47 Public Safety

Relating to the civil commitment of a sexually violent predator, and providing a penalty.

H.S.B. 48 Public Safety

Relating to canceling the driver's license of certain persons sentenced to jail or committed to the custody of the director of the department of corrections.

H.S.B. 49 Public Safety

Relating to the penalty for sexual misconduct with offenders committed by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing a penalty.

H.S.B. 50 Commerce, Regulation and Labor

Relating to the deregulation of communications services including determining comparable services, considering market forces, providing for expedited deregulation proceedings, eliminating accounting plan requirements, eliminating reporting requirements to the general assembly, and providing effective and retroactive applicability dates.

H.S.B. 51 Commerce, Regulation and Labor

Establishing a state health insurance mandate commission, providing for fees and a tax credit, and making an appropriation.

H.S.B. 52 Commerce, Regulation and Labor

Allowing the exclusion of mandated health care benefit coverage in certain health insurance policies or contracts.

H.S.B. 53 Economic Growth

Relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

H.S.B. 54 Transportation

Relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing,

regulation of commercial vehicles, the use of flashing lights on certain vehicles, permits for vehicles of excessive height or weight, and persons with disabilities parking.

H.S.B. 55 State Government

Relating to the receipt of and costs associated with public records requests.

H.S.B. 56 State Government

Providing for contributions to the Iowa public employees' retirement system.

H.S.B. 57 State Government

Relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, modifying the deadline for filing certain presidential nomination documents, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, modifying the time period relating to counting federal write-in ballots after an application for a regular absentee ballot is received from the same voter, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, relating to signature

requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions.

H.S.B. 58 State Government

Relating to elections and voter registration by requiring the election of township officers on a nonpartisan basis, prohibiting the processing of certain voter registration applications, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, striking the requirement that a voter's name be announced by a precinct election official, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, deleting the requirement for a separate affidavit envelope for absentee ballots, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, relating to the form prescribed for return carrier envelopes, allowing an immediate family member to return a voted absentee ballot in person to the commissioner's office, allowing an absentee voter to correct a deficiency in the affidavit returned with the voted absentee ballot, allowing the voting of replacement absentee ballots in certain circumstances, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provision declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

H.S.B. 59 State Government

Relating to meetings of governmental bodies.

H.S.B. 60 State Government

Relating to city licensing of transient merchants.

H.S.B. 61 State Government

Relating to the administrative functions of the department of cultural affairs, including the board of trustees of the state historical society of Iowa and the state records commission.

H.S.B. 62 State Government

Relating to the ethical conduct of state and local officials and employees.

H.S.B. 63 State Government

Concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

H.S.B. 64 State Government

Relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

H.S.B. 65 State Government

Relating to campaign finance committee reporting, use of committee funds or property, independent expenditures, placement of campaign signs, and use of public resources.

H.S.B. 66 State Government

Relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board.

H.S.B. 67 Judiciary

Relating to recovery of prejudgment interest in relation to an offer to confess judgment.

H.S.B. 68 Judiciary

Relating to the imposition of civil and criminal penalties and investigation costs where a person fraudulently or otherwise receives certain state benefits.

H.S.B. 69 Judiciary

Relating to family law provisions including dissolution of marriage and domestic relations, termination of parental rights proceedings, and postsecondary education subsidy provisions, providing an effective date, and providing for retroactive applicability.

H.S.B. 70 Judiciary

Eliminating the limitation on the reduction in damages awarded to plaintiffs who fail to wear a motor vehicle safety belt or safety harness.

H.S.B. 71 Judiciary

Prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding.

H.S.B. 72 Judiciary

Relating to the payment of restitution by a person convicted of a criminal offense.

H.S.B. 73 Judiciary

Relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

H.S.B. 74 Judiciary

Relating to the Iowa civil rights Act by expanding the public accommodations protections of the Act to include correctional facilities.

H.S.B. 75 Judiciary

Creating a private cause of action for certain consumer fraud violations.

H.S.B. 76 Judiciary

Relating to confidentiality and liability provisions involving the child advocacy board and the programs and volunteers associated with the board and making a penalty applicable.

H.S.B. 77 Local Government

Relating to county recorders and vital statistics record fees, and providing an effective date.

H.S.B. 78 Ways and Means

Relating to the establishment of an industrial processing exemption study committee and including an effective date.

H.S.B. 79 Agriculture

Providing for the confidentiality of records relating to the outbreak of animal disease, and providing an effective date.

COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

Committee Bill (Formerly [House Study Bill 7](#)), relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local government units, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 25, 2005.

On motion by Gipp of Winneshiek the House adjourned at 6:38 p.m., until 8:45 a.m., Wednesday, January 26, 2005.