

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 31, 2005

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

JOURNAL OF THE HOUSE

Eighty-first Calendar Day - Fifty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 31, 2005

The House met pursuant to adjournment at 9:05 a.m., Speaker Rants in the chair.

Prior to convening the House Memorial Choir sang 'In This Very Room', 'The Star Spangled Banner' and 'My County 'Tis of Thee'.

The House rose and expressed its appreciation.

Prayer was offered by Reverend Rob Noah, pastor of Jubilee Family Church, Oskaloosa. He was the guest of Representative Rich Arnold from Lucas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 30, 2005 was approved.

The House stood at ease at 9:10 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Paulsen of Linn in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

T. Taylor of Linn on request of Heddens of Story.

CONSIDERATION OF BILLS

Regular Calendar

House File 776, a bill for an act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the

state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and charges for credit card payments accepted by government, was taken up for consideration.

Raecker of Polk offered the following amendment [H-1157](#) filed by him and Lensing of Johnson and moved its adoption:

[H-1157](#)

- 1 Amend [House File 776](#) as follows:
- 2 1. By striking page 5, line 14, through page 7,
- 3 line 1, and inserting the following:
- 4 "Sec.____. DEPARTMENT OF ADMINISTRATIVE SERVICES
- 5 – E-COMMERCE STUDY – REPORT. It is the intent of
- 6 the general assembly to encourage the use of
- 7 electronic transactions with regard to the state's
- 8 dealings with the citizens of Iowa and other persons.
- 9 The department of administrative services shall
- 10 develop recommendations, including proposed
- 11 legislation, to encourage the use of electronic
- 12 commerce, including the acceptance of credit card
- 13 payments, with regard to transactions involving the
- 14 state. The department shall consult with the state
- 15 treasurer, state entities currently accepting credit
- 16 card payments, and any other state entities identified
- 17 as considering the acceptance of credit card payments
- 18 when developing the recommendations. The department
- 19 shall deliver a report to the general assembly by
- 20 January 20, 2006, including any recommendations,
- 21 proposed legislation, and other related information,
- 22 including cost information associated with credit card
- 23 payments."
- 24 2. Title page, line 10, by striking the words
- 25 "charges for" and inserting the following: "providing
- 26 for a study concerning".
- 27 3. By renumbering as necessary.

Amendment [H-1157](#) was adopted.

Raecker 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. 776](#))

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	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.	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	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	Paulsen, Presiding

The nays were, none.

Absent or not voting, 4:

Fallon	Ford	Huser	Taylor, T.
--------	------	-------	------------

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

House File 608, a bill for an act defining the term “possession” for purposes of the criminal law, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-1053](#) filed by him on March 9, 2005.

Anderson of Page offered the following amendment [H-1239](#) filed by him and moved its adoption:

[H-1239](#)

- 1 Amend [House File 608](#) as follows:
- 2 1. Page 1, by striking lines 17 through 27.

Amendment [H-1239](#) was adopted.

Anderson of Page 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. 608](#))

The ayes were, 82

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

The nays were, 17:

Berry	Eichhorn	Fallon	Foege
Ford	Hunter	Jacoby	Jochum
Kuhn	Lensing	Mascher	Oldson
Olson, R.	Petersen	Shultz	Wendt
Winckler			

Absent or not voting, 1:

Taylor, T.

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

House File 753, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child, was taken up for consideration.

Smith of Marshall offered amendment [H-1187](#) filed by him as follows:

[H-1187](#)

1 Amend [House File 753](#) as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Sec. 1. Section 232.2, subsection 4, Code 2005,
5 is amended by adding the following new paragraph:
6 NEW PARAGRAPH. k. If it is part of the child's
7 records or it is otherwise known that the child has
8 behaved in a manner that threatened the safety of
9 another person, has committed a violent act causing
10 bodily injury to another person, or has been a victim
11 or perpetrator of sexual abuse, that information shall
12 be addressed in the plan and shall be provided to the
13 child's parent, guardian, or foster parent or other
14 person with custody of the child. The information
15 shall be provided whether the child's placement is
16 voluntary or made pursuant to a court determination.
17 The information shall be provided at the time it is
18 learned by the department or agency developing the
19 plan and, if possible, at the time of the child's
20 placement. The information shall only be withheld if
21 ordered by the court or it is determined by the
22 department or agency developing the plan that
23 providing the information would be detrimental to the
24 child or to the family with whom the child is living."

25 2. Page 1, line 13, by inserting after the word
26 "person." the following: "has committed a violent act
27 causing bodily injury to another person, or has been a
28 victim or perpetrator of sexual abuse.."

29 3. Page 1, line 15, by striking the words
30 "informed of the behavior" and inserting the
31 following: "provided with that information".

32 4. Page 1, line 28, by inserting after the word
33 "person." the following: "has committed a violent act
34 causing bodily injury to another person, or has been a
35 victim or perpetrator of sexual abuse.."

36 5. Page 1, line 30, by striking the words
37 "informed of the behavior" and inserting the
38 following: "provided with that information".

39 6. Page 2, line 11, by inserting after the word
40 "person." the following: "has committed a violent act

41 causing bodily injury to another person, or has been a
 42 victim or perpetrator of sexual abuse.
 43 7. Page 2, line 13, by striking the words
 44 "informed of the behavior" and inserting the
 45 following: "provided with that information".
 46 8. Page 2, line 27, by inserting after the word
 47 "person," the following: "has committed a violent act
 48 causing bodily injury to another person, or has been a
 49 victim or perpetrator of sexual abuse."
 50 9. Page 2, line 29, by striking the words

Page 2

1 "informed of the behavior" and inserting the
 2 following: "provided with that information".
 3 10. By renumbering as necessary.

Smith of Marshall offered the following amendment [H-1240](#), to amendment [H-1187](#), filed by him and moved its adoption:

[H-1240](#)

1 Amend the amendment, [H-1187](#), to [House File 753](#) as
 2 follows:
 3 1. Page 1, line 24, by inserting after the word
 4 "living," the following: "In determining whether
 5 providing the information would be detrimental, the
 6 court, department, or agency shall consider any
 7 history of abuse within the child's family or toward
 8 the child."

Amendment [H-1240](#) was adopted.

On motion by Smith of Marshall, amendment [H-1187](#), 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. 753](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	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.	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	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	Paulsen, Presiding	

The nays were, none.

Absent or not voting, 1:

Taylor, T.

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

[HOUSE FILE 595](#) WITHDRAWN

Carroll of Poweshiek asked and received unanimous consent to withdraw [House File 595](#) from further consideration by the House.

[House File 708](#), a bill for an act relating to the establishment of rural improvement zones, was taken up for consideration.

Speaker Rants in the chair at 12:23 p.m.

Wilderdyke of Harrison 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. 708](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	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.	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:

Taylor, T.

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 608, 708, 753 and 776.**

On motion by Gipp of Winneshiek, the House was recessed at 12:27 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:15 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILL

[House File 829](#), by committee on government oversight, a bill for an act relating to bidding requirements for state executive branch purchases.

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

Appropriations Calendar

[House File 826](#), a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations, was taken up for consideration.

Lykam of Scott asked and received unanimous consent to withdraw amendment [H-1206](#) filed by him on March 29, 2005.

Gipp of Winneshiek asked and received unanimous consent that [House File 826](#) be deferred and that the bill retain its place on the calendar.

Regular Calendar

[House File 647](#), a bill for an act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly, establishing a filing deadline for all statements and reports, providing a penalty, and providing applicability dates, was taken up for consideration.

Raecker of Polk offered amendment [H-1243](#) filed by him as follows:

[H-1243](#)

- 1 Amend [House File 647](#) as follows:
- 2 1. Page 1, by striking lines 1 through 8, and
- 3 inserting the following:
- 4 "Section 1. Section 68A.401, subsection 1, Code
- 5 2005, is amended as follows:
- 6 1. All statements and reports required to be filed
- 7 under this chapter shall be filed with the board as

8 provided in section 68A.402, subsection 1. The board
9 shall provide copies of all statements and reports
10 filed under this chapter for a county, city, school,
11 or other political subdivision to the commissioner
12 responsible under section 47.2."
13 2. Page 1, by inserting after line 30, the
14 following:
15 "Sec. ____ Section 64A.402, subsection 1, Code
16 2005, is amended to read as follows:
17 1. FILING METHODS. Each committee shall file with
18 the board reports disclosing information required
19 under this section on forms prescribed by rule.
20 Reports shall be filed on or before the required due
21 dates by using any of the following methods: mail
22 bearing a United States postal service postmark, hand-
23 delivery, facsimile transmission, or electronic filing
24 as prescribed by rule. To be considered timely filed,
25 a statement or report under this chapter filed by mail
26 by a candidate or candidate's committee for statewide
27 office or the general assembly shall be postmarked
28 with a United States postal service postmark on or
29 before the third day prior to the due date that the
30 statement or report is required to be filed."
31 3. By renumbering as necessary.

Raecker of Polk offered the following amendment [H-1267](#), to amendment [H-1243](#), filed by him from the floor and moved its adoption:

[H-1267](#)

1 Amend the amendment, [H-1243](#), to [House File 647](#) as
2 follows:
3 1. Page 1, line 29, by striking the word "third"
4 and inserting the following: "second".

Amendment [H-1267](#) was adopted.

On motion by Raecker of Polk, amendment [H-1243](#), as amended, was adopted.

Raecker 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. 647](#))

The ayes were, 63:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Carroll	Chambers
Dandekar	Davitt	Dix	Dolecheck
Elgin	Fallon	Freeman	Gipp
Granzow	Heaton	Heddens	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Kaufmann	Kurtenbach	Lalk	Lensing
Lukan	Maddox	Mascher	May
Olson, D.	Olson, R.	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Shomshor	Shultz
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Wilderdyke	Winckler	Mr. Speaker	
		Rants	

The nays were, 36:

Bell	Bukta	Cohoon	De Boef
Drake	Eichhorn	Foege	Ford
Frevert	Gaskill	Greiner	Hogg
Hunter	Jacoby	Kressig	Kuhn
Lykam	McCarthy	Mertz	Miller
Murphy	Oldson	Petersen	Pettengill
Quirk	Reasoner	Reichert	Schueller
Smith	Swaim	Taylor, D.	Thomas
Whitaker	Whitead	Wise	Zirkelbach

Absent or not voting, 1:

Taylor, T.

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 647](#) be immediately messaged to the Senate.

[House File 814](#), a bill for an act relating to electronic notices of bidding opportunities for state purchases, was taken up for consideration.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1174](#) filed by him on March 23, 2005.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1224](#) filed by him on March 30, 2005.

Alons of Sioux offered the following amendment [H-1234](#) filed by him and moved its adoption:

[H-1234](#)

1 Amend [House File 814](#) as follows:
 2 1. Page 1, by striking lines 23 through 29 and
 3 inserting the following: "department or the state
 4 agency as provided in section 73.2, subsection 2. The
 5 department may establish by rule requirements relating
 6 to such notice. A competitive bidding opportunity
 7 that is not preceded by a notice that satisfies the
 8 requirements of this paragraph is void and shall be
 9 rebid. A request for proposals for architectural".

Amendment [H-1234](#) was adopted.

Alons of Sioux 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. 814](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	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	Shultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	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:

Taylor, T.

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 814](#) be immediately messaged to the Senate.

[House File 603](#), a bill for an act relating to a contribution to a statewide nonprofit legal aid organization in a criminal proceeding, was taken up for consideration.

Boal of Polk offered the following amendment [H-1250](#) filed by her and moved its adoption:

[H-1250](#)

- 1 Amend [House File 603](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 901.11 DONATIONS –
- 5 PROHIBITED.
- 6 A monetary or property donation to any agency,
- 7 organization, or political subdivision of the state is
- 8 prohibited as a part of any dismissal, sentence, or
- 9 other penalty.
- 10 Sec. 2. Section 907.13, subsection 2, Code 2005,
- 11 is amended to read as follows:
- 12 2. The defendant's plan of community service, the
- 13 comments of the defendant's probation officer, and the
- 14 comments of the representative of the judicial

15 district department of correctional services
16 responsible for the unpaid community service program,
17 shall be submitted promptly to the court. The court
18 shall promptly enter an order approving the plan or
19 modifying it. Compliance with the plan of community
20 service as approved or modified by the court shall be
21 a condition of the defendant's probation. The court
22 thereafter may modify the plan at any time upon the
23 defendant's request, upon the request of the judicial
24 district department of correctional services, or upon
25 the court's own motion. ~~As an option for modification
26 of a plan, the court may allow a defendant to complete
27 some part or all of the defendant's community service
28 obligation through the donation of property to a
29 charitable organization other than a governmental
30 subdivision. A donation of property to a charitable
31 organization offered in satisfaction of some part or
32 all of a community service obligation under this
33 subsection is not a deductible contribution for the
34 purposes of federal or state income taxes.~~

35 Sec. 3. Section 910.1, subsection 4, Code 2005, is
36 amended to read as follows:

37 4. "Restitution" means payment of pecuniary
38 damages to a victim in an amount and in the manner
39 provided by the offender's plan of restitution.
40 "Restitution" also includes fines, penalties, and
41 surcharges, ~~the contribution of funds to a local
42 anticrime organization which provided assistance to
43 law enforcement in an offender's case,~~ the payment of
44 crime victim compensation program reimbursements,
45 payment of restitution to public agencies pursuant to
46 section 321J.2, subsection 9, paragraph "b", court
47 costs including correctional fees approved pursuant to
48 section 356.7, court-appointed attorney fees ordered
49 pursuant to section 815.9, including the expense of a
50 public defender, and the performance of a public

Page 2

1 service by an offender in an amount set by the court
2 when the offender cannot reasonably pay all or part of
3 the court costs including correctional fees approved
4 pursuant to section 356.7, or court-appointed attorney
5 fees ordered pursuant to section 815.9, including the
6 expense of a public defender.

7 Sec. 4. Section 910.2, Code 2005, is amended to
8 read as follows:

9 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
10 ORDERED BY SENTENCING COURT.

11 In all criminal cases in which there is a plea of
12 guilty, verdict of guilty, or special verdict upon
13 which a judgment of conviction is rendered, the

14 sentencing court shall order that restitution be made
 15 by each offender to the victims of the offender's
 16 criminal activities, to the clerk of court for fines,
 17 penalties, surcharges, and, to the extent that the
 18 offender is reasonably able to pay, for crime victim
 19 assistance reimbursement, restitution to public
 20 agencies pursuant to section 321J.2, subsection 9,
 21 paragraph "b", court costs including correctional fees
 22 approved pursuant to section 356.7, or court-appointed
 23 attorney fees ordered pursuant to section 815.9,
 24 including the expense of a public defender, when
 25 applicable, ~~or contribution to a local antierime~~
 26 ~~organization~~. However, victims shall be paid in full
 27 before fines, penalties, ~~and~~ surcharges, crime victim
 28 compensation program reimbursement, public agencies,
 29 court costs including correctional fees approved
 30 pursuant to section 356.7, and court-appointed
 31 attorney fees ordered pursuant to section 815.9,
 32 including the expenses of a public defender, ~~or~~
 33 ~~contributions to a local antierime organization~~ are
 34 paid. In structuring a plan of restitution, the court
 35 shall provide for payments in the following order of
 36 priority: victim, fines, penalties, and surcharges,
 37 crime victim compensation program reimbursement,
 38 public agencies, court costs including correctional
 39 fees approved pursuant to section 356.7, and court-
 40 appointed attorney fees ordered pursuant to section
 41 815.9, including the expense of a public defender, ~~and~~
 42 ~~contribution to a local antierime organization~~.
 43 When the offender is not reasonably able to pay all
 44 or a part of the crime victim compensation program
 45 reimbursement, public agency restitution, court costs
 46 including correctional fees approved pursuant to
 47 section 356.7, or court-appointed attorney fees
 48 ordered pursuant to section 815.9, including the
 49 expense of a public defender, ~~or contribution to a~~
 50 ~~local antierime organization~~, the court may require

Page 3

1 the offender in lieu of that portion of the crime
 2 victim compensation program reimbursement, public
 3 agency restitution, court costs including correctional
 4 fees approved pursuant to section 356.7, or court-
 5 appointed attorney fees ordered pursuant to section
 6 815.9, including the expense of a public defender, ~~or~~
 7 ~~contribution to a local antierime organization~~ for
 8 which the offender is not reasonably able to pay, to
 9 perform a needed public service for a governmental
 10 agency or for a private nonprofit agency which
 11 provides a service to the youth, elderly, or poor of
 12 the community. When community service is ordered, the

13 court shall set a specific number of hours of service
14 to be performed by the offender which, for payment of
15 court-appointed attorney fees ordered pursuant to
16 section 815.9, including the expenses of a public
17 defender, shall be approximately equivalent in value
18 to those costs. The judicial district department of
19 correctional services shall provide for the assignment
20 of the offender to a public agency or private
21 nonprofit agency to perform the required service."
22 2. Title page, by striking lines 1 and 2 and
23 inserting the following: "An Act prohibiting a
24 donation or contribution to an agency, organization,
25 or political subdivision of the state in a criminal
26 proceeding."

Amendment [H-1250](#) was adopted.

[SENATE FILE 246](#) SUBSTITUTED FOR [HOUSE FILE 603](#)

Boal of Polk asked and received unanimous consent to substitute [Senate File 246](#) for [House File 603](#).

[Senate File 246](#), a bill for an act prohibiting a donation or contribution to an agency, organization, or political subdivision of the state in a criminal proceeding, was taken up for consideration.

Boal of Polk offered the following amendment [H-1247](#) filed by her and moved its adoption:

[H-1247](#)

1 Amend [Senate File 246](#) as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 907.13, subsection 2, Code
5 2005, is amended to read as follows:
6 2. The defendant's plan of community service, the
7 comments of the defendant's probation officer, and the
8 comments of the representative of the judicial
9 district department of correctional services
10 responsible for the unpaid community service program,
11 shall be submitted promptly to the court. The court
12 shall promptly enter an order approving the plan or
13 modifying it. Compliance with the plan of community
14 service as approved or modified by the court shall be
15 a condition of the defendant's probation. The court
16 thereafter may modify the plan at any time upon the
17 defendant's request, upon the request of the judicial
18 district department of correctional services, or upon

19 the court's own motion. As an option for modification
 20 of a plan, the court may allow a defendant to complete
 21 some part or all of the defendant's community service
 22 obligation through the donation of property to a
 23 ~~charitable organization other than a governmental~~
 24 ~~subdivision statewide nonprofit legal aid~~
 25 ~~organization.~~ A donation of property to a ~~charitable~~
 26 ~~organization statewide nonprofit legal aid~~
 27 organization offered in satisfaction of some part or
 28 all of a community service obligation under this
 29 subsection is not a deductible contribution for the
 30 purposes of federal or state income taxes.
 31 Sec. 2. Section 910.1, subsection 4, Code 2005, is
 32 amended to read as follows:
 33 4. "Restitution" means payment of pecuniary
 34 damages to a victim in an amount and in the manner
 35 provided by the offender's plan of restitution.
 36 "Restitution" also includes fines, penalties, and
 37 surcharges, the contribution of funds to a ~~local~~
 38 ~~antirime organization which provided assistance to~~
 39 ~~law enforcement in an offender's case, a statewide~~
 40 nonprofit legal aid organization, the payment of crime
 41 victim compensation program reimbursements, payment of
 42 restitution to public agencies pursuant to section
 43 321J.2, subsection 9, paragraph "b", court costs
 44 including correctional fees approved pursuant to
 45 section 356.7, court-appointed attorney fees ordered
 46 pursuant to section 815.9, including the expense of a
 47 public defender, and the performance of a public
 48 service by an offender in an amount set by the court
 49 when the offender cannot reasonably pay all or part of
 50 the court costs including correctional fees approved

Page 2

1 pursuant to section 356.7, or court-appointed attorney
 2 fees ordered pursuant to section 815.9, including the
 3 expense of a public defender.
 4 Sec. 3. Section 910.2, Code 2005, is amended to
 5 read as follows:
 6 910.2 RESTITUTION OR COMMUNITY SERVICE TO BE
 7 ORDERED BY SENTENCING COURT.
 8 In all criminal cases in which there is a plea of
 9 guilty, verdict of guilty, or special verdict upon
 10 which a judgment of conviction is rendered, the
 11 sentencing court shall order that restitution be made
 12 by each offender to the victims of the offender's
 13 criminal activities, to the clerk of court for fines,
 14 penalties, surcharges, and, to the extent that the
 15 offender is reasonably able to pay, for crime victim
 16 assistance reimbursement, restitution to public
 17 agencies pursuant to section 321J.2, subsection 9,

18 paragraph "b", court costs including correctional fees
19 approved pursuant to section 356.7, court-appointed
20 attorney fees ordered pursuant to section 815.9,
21 including the expense of a public defender, when
22 applicable, or contribution to a ~~local antierime~~
23 ~~organization~~ statewide nonprofit legal aid
24 organization. However, victims shall be paid in full
25 before fines, penalties, and surcharges, crime victim
26 compensation program reimbursement, public agencies,
27 court costs including correctional fees approved
28 pursuant to section 356.7, court-appointed attorney
29 fees ordered pursuant to section 815.9, including the
30 expenses of a public defender, or contributions to a
31 ~~local antierime organization~~ statewide nonprofit legal
32 aid organization are paid. In structuring a plan of
33 restitution, the court shall provide for payments in
34 the following order of priority: victim, fines,
35 penalties, and surcharges, crime victim compensation
36 program reimbursement, public agencies, court costs
37 including correctional fees approved pursuant to
38 section 356.7, court-appointed attorney fees ordered
39 pursuant to section 815.9, including the expense of a
40 public defender, and contribution to a ~~local antierime~~
41 ~~organization~~ statewide nonprofit legal aid
42 organization.
43 When the offender is not reasonably able to pay all
44 or a part of the crime victim compensation program
45 reimbursement, public agency restitution, court costs
46 including correctional fees approved pursuant to
47 section 356.7, court-appointed attorney fees ordered
48 pursuant to section 815.9, including the expense of a
49 public defender, or contribution to a ~~local antierime~~
50 ~~organization~~ statewide nonprofit legal aid

Page 3

1 organization, the court may require the offender in
2 lieu of that portion of the crime victim compensation
3 program reimbursement, public agency restitution,
4 court costs including correctional fees approved
5 pursuant to section 356.7, court-appointed attorney
6 fees ordered pursuant to section 815.9, including the
7 expense of a public defender, or contribution to a
8 ~~local antierime organization~~ statewide nonprofit legal
9 aid organization for which the offender is not
10 reasonably able to pay, to perform a needed public
11 service for a governmental agency or for a private
12 nonprofit agency which provides a service to the
13 youth, elderly, or poor of the community. When
14 community service is ordered, the court shall set a
15 specific number of hours of service to be performed by
16 the offender which, for payment of court-appointed

17 attorney fees ordered pursuant to section 815.9,
 18 including the expenses of a public defender, shall be
 19 approximately equivalent in value to those costs. The
 20 judicial district department of correctional services
 21 shall provide for the assignment of the offender to a
 22 public agency or private nonprofit agency to perform
 23 the required service."
 24 2. Title page, by striking lines 1 through 3, and
 25 inserting the following: "An Act relating to a
 26 contribution to a statewide nonprofit legal aid
 27 organization in a minimal proceeding."

Amendment [H-1247](#) was adopted.

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. 246](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	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	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:

Taylor, T.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 246](#) be immediately messaged to the Senate.

[House File 729](#), a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, was taken up for consideration.

Drake of Pottawattamie in the chair at 2:28 p.m.

Frevert of Palo Alto offered amendment [H-1149](#) filed by her as follows:

[H-1149](#)

1 Amend [House File 729](#) as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "DIVISION I
5 PUBLIC SAFETY PEACE OFFICERS' RETIREMENT SYSTEM
6 Section 1. Section 97A.4, Code 2005, is amended by
7 adding the following new unnumbered paragraph:
8 NEW UNNUMBERED PARAGRAPH. Upon application by the
9 member, the board of trustees shall credit as service
10 for a member of the system a previous period of
11 service as a member of a city fire retirement system
12 and police retirement system operating under chapter
13 411 prior to January 1, 1992, for which service was
14 not eligible to be transferred to this system pursuant
15 to section 97A.17.
16 Sec. 2. PUBLIC SAFETY PEACE OFFICERS' RETIREMENT,
17 ACCIDENT, AND DISABILITY SYSTEM – ADDITIONAL
18 APPROPRIATION.
19 1. Notwithstanding any provision of section 97A.8
20 to the contrary, the Iowa department of public safety
21 peace officers' retirement, accident, and disability
22 system as defined in section 97A.2 shall not increase
23 the contribution rate of members of the system to
24 cover any increase in cost to the system resulting
25 from this Act.

26 2. In addition to any payments to the pension
 27 accumulation fund as provided in section 97A.8, there
 28 shall be appropriated from the general fund of the
 29 state to the pension accumulation fund described in
 30 section 97A.8 an annual amount equal to fifty thousand
 31 dollars for the fiscal period beginning July 1, 2005,
 32 and ending June 30, 2027."

33 2. Title page, line 1, by inserting after the
 34 words "to the" the following: "public safety peace
 35 officers' retirement system, the".

36 3. Title page, line 2, by inserting after the
 37 word "system" the following: ", and providing an
 38 appropriation".

39 4. By renumbering, redesignating, and correcting
 40 internal references as necessary.

Elgin of Linn rose on a point of order that amendment [H-1149](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1149](#) not germane.

Kurtenbach of Story offered amendment [H-1262](#) filed by Kurtenbach, et al., as follows:

[H-1262](#)

1 Amend [House File 729](#) as follows:

2 1. Page 2, by inserting after line 2 the
 3 following:

4 "Sec. ___. Section 97B.42, Code 2005, is amended
 5 by adding the following new unnumbered paragraphs:
 6 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
 7 other provision of this section, commencing July 1,
 8 2006, a member who is employed by a school district or
 9 area education agency as an elementary or secondary
 10 school teacher may elect coverage under the eligible
 11 alternative retirement benefits system as provided in
 12 section 294.17, in lieu of continuing or commencing
 13 contributions to the Iowa public employees' retirement
 14 system. However, the employer's and employee's annual
 15 contribution in dollars to the eligible alternative
 16 retirement benefits system shall equal, but not
 17 exceed, the annual contribution in dollars which the
 18 employer and employee would contribute if the employee
 19 had elected to remain an active member under this
 20 chapter, as set forth in section 97B.11. A member who
 21 elects coverage under the eligible alternative
 22 retirement benefits system as provided by this
 23 paragraph may withdraw the member's accumulated

24 contributions effective when coverage under the
25 eligible alternative retirement benefits system
26 commences. A member who is employed by a school
27 district or area education agency as an elementary or
28 secondary school teacher prior to July 1, 2006, must
29 file an election for coverage under the eligible
30 alternative retirement benefits system described in
31 section 294.17, with the system and the employing
32 school district or area education agency within
33 eighteen months of the first day on which coverage
34 commences under the eligible alternative retirement
35 benefits system described in section 294.17, or the
36 employee shall remain a member under this chapter and
37 shall not be eligible to elect to participate in the
38 eligible alternative retirement benefits system at a
39 later date. A person hired on or after July 1, 2006,
40 by a school district or area education agency as an
41 elementary or secondary school teacher must file an
42 election for coverage under the eligible alternative
43 retirement benefits system with the system and the
44 employing school district or area education agency
45 within sixty days of commencing employment, or the
46 employee shall remain a member under this chapter and
47 shall not be eligible to elect to participate in the
48 eligible alternative retirement benefits system at a
49 later date. The system shall cooperate with the state
50 board of education and with applicable school

Page 2

1 districts and area education agencies to facilitate
2 the implementation of this provision.
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding any
4 other provision of this section, commencing July 1,
5 2006, a member who is employed by a public hospital
6 may elect coverage under the eligible alternative
7 retirement benefits system as provided in section
8 347.14 or 392.6, in lieu of continuing or commencing
9 contributions to the Iowa public employees' retirement
10 system. However, the employer's and employee's annual
11 contribution in dollars to the eligible alternative
12 retirement benefits system shall equal, but not
13 exceed, the annual contribution in dollars which the
14 employer and employee would contribute if the employee
15 had elected to remain an active member under this
16 chapter, as set forth in section 97B.11. A member who
17 elects coverage under the eligible alternative
18 retirement benefits system as provided by this
19 paragraph may withdraw the member's accumulated
20 contributions effective when coverage under the
21 eligible alternative retirement benefits system
22 commences. A member who is employed by a public

23 hospital prior to July 1, 2006, must file an election
 24 for coverage under the eligible alternative retirement
 25 benefits system described in section 347.14 or 392.6,
 26 with the system and the employing public hospital
 27 within eighteen months of the first day on which
 28 coverage commences under the eligible alternative
 29 retirement benefits system described in section 347.14
 30 or 392.6, or the employee shall remain a member under
 31 this chapter and shall not be eligible to elect to
 32 participate in the eligible alternative retirement
 33 benefits system at a later date. A person hired on or
 34 after July 1, 2006, by a public hospital must file an
 35 election for coverage under the eligible alternative
 36 retirement benefits system with the system and the
 37 employing public hospital within sixty days of
 38 commencing employment, or the employee shall remain a
 39 member under this chapter and shall not be eligible to
 40 elect to participate in the eligible alternative
 41 retirement benefits system at a later date. In
 42 addition, an election by a member to participate in an
 43 alternative retirement benefits system as provided by
 44 this paragraph shall be irrevocable and the member
 45 shall not be eligible to elect coverage under this
 46 chapter while employed by a public hospital in this
 47 state that has made an alternative retirement benefits
 48 system available. The system shall cooperate with
 49 boards of trustees of public hospitals authorized to
 50 offer an eligible alternative retirement benefits

Page 3

1 system to facilitate the implementation of this
 2 provision."
 3 2. Page 2, by inserting after line 21 the
 4 following:
 5 "Sec.____. Section 256.7, Code 2005, is amended by
 6 adding the following new subsection:
 7 NEW SUBSECTION. 26. By July 1, 2006, provide for
 8 the establishment of an eligible alternative
 9 retirement benefits system for elementary and
 10 secondary school teachers employed by a school
 11 district or area education agency consistent with the
 12 requirements of section 294.17.
 13 Sec.____. NEW SECTION. 294.17 ELIGIBLE
 14 ALTERNATIVE PENSION AND ANNUITY RETIREMENT SYSTEM.
 15 1. The state board of education shall establish an
 16 eligible alternative pension and annuity retirement
 17 system, hereafter called the "retirement system",
 18 effective July 1, 2006, for elementary and secondary
 19 school teachers employed by a school district or area
 20 education agency pursuant to the requirements of this
 21 section. The state board of education shall be the

22 plan sponsor of the retirement system and shall file
23 an application for a favorable determination letter
24 for the retirement system with the internal revenue
25 service.

26 2. The state board of education shall select a
27 provider of the retirement system that is a financial
28 institution capable of providing bundled services for
29 the retirement system, including, but not limited to,
30 administration, investment management, employee
31 education, and recordkeeping. In selecting a
32 provider, the state board of education shall place
33 primary emphasis on the reasonableness of services in
34 relation to cost, the ability and experience of the
35 provider in providing bundled retirement services to
36 the educational community, the financial stability of
37 the provider, and the ability of the provider to
38 provide services as required by this section.

39 3. To be an eligible alternative retirement
40 benefits system, the retirement system shall meet the
41 following requirements:

42 a. The retirement system shall be an employer-
43 sponsored defined contribution plan requiring
44 mandatory employer contributions that meet the
45 requirements of section 401(a) of the Internal Revenue
46 Code.

47 b. The employer's and employee's annual
48 contribution in dollars under an eligible alternative
49 retirement benefits system described in this section
50 shall equal, but not exceed, the annual contribution

Page 4

1 in dollars which the employer and employee would
2 contribute if the employee had elected to remain an
3 active member pursuant to the Iowa public employees'
4 retirement system, as set forth in section 97B.11.
5 Contributions under the retirement system shall be
6 treated in the same manner as contributions under the
7 Iowa public employees' retirement system are treated
8 pursuant to section 97B.11A.

9 c. Employer and employee contributions under the
10 retirement system shall be fully vested immediately.

11 d. Upon termination of employment as an elementary
12 or secondary school teacher employed by a school
13 district or area education agency, the teacher shall
14 be eligible to receive a benefit payable in at least
15 any of the following forms:

16 (1) Payment of all or part of the teacher's
17 account balance in the retirement system in a lump
18 sum.

19 (2) Payment based on the teacher's account balance
20 in the retirement system in monthly, quarterly, or

21 annual installments over a fixed reasonable period of
22 time, not exceeding the life expectancy of the teacher
23 and the teacher's beneficiary, if applicable.

24 (3) Payment based on the teacher's account balance
25 in the form of a single life or joint life and
26 survivorship annuity.

27 4. Persons employed by a school district or area
28 education agency as an elementary or secondary school
29 teacher on or after July 1, 2006, may elect coverage
30 under the retirement system established in this
31 section in lieu of coverage under the Iowa public
32 employees' retirement system, pursuant to the
33 requirements of section 97B.42.

34 Sec. ___. Section 347.14, Code 2005, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 17. Provide an eligible
37 alternative retirement benefits system offered through
38 the county hospital pursuant to this subsection which
39 is issued by or through an insurance company
40 authorized to issue annuity contracts in this state
41 for persons employed by the county hospital in lieu of
42 coverage under the Iowa public employees' retirement
43 system. For purposes of this subsection, "eligible
44 alternative retirement benefits system" means an
45 employer-sponsored primary pension plan requiring
46 mandatory employer contributions that meets the
47 requirements of section 401(a), 401(k), 403(a), or
48 403(b) of the Internal Revenue Code.

49 Sec. ___. Section 392.6, Code 2005, is amended by
50 adding the following new unnumbered paragraph:

Page 5

1 NEW UNNUMBERED PARAGRAPH. The board of trustees
2 may provide an eligible alternative retirement
3 benefits system offered through the city hospital
4 pursuant to this paragraph which is issued by or
5 through an insurance company authorized to issue
6 annuity contracts in this state for persons employed
7 by the city hospital in lieu of coverage under the
8 Iowa public employees' retirement system. For
9 purposes of this paragraph, "eligible alternative
10 retirement benefits system" means an employer-
11 sponsored primary pension plan requiring mandatory
12 employer contributions that meets the requirements of
13 section 401(a), 401(k), 403(a), or 403(b) of the
14 Internal Revenue Code."

15 3. By renumbering as necessary.

Kurtenbach of Story offered the following amendment [H-1265](#), to amendment [H-1262](#), filed by him from the floor and moved its adoption:

[H-1265](#)

1 Amend the amendment, [H-1262](#), to [House File 729](#) as
2 follows:
3 1. Page 1, line 8, by inserting after the words
4 "who is" the following: "newly".
5 2. Page 1, line 10, by inserting after the word
6 "teacher" the following: "on or after July 1, 2006".
7 3. Page 1, by striking lines 20 through 39 and
8 inserting the following: "chapter, as set forth in
9 section 97B.11. A person hired on or after July 1,
10 2006".
11 4. Page 2, line 5, by inserting after the words
12 "who is" the following: "newly".
13 5. Page 2, line 5, by inserting after the word
14 "hospital" the following: "on or after July 1,
15 2006".
16 6. Page 2, by striking lines 16 through 33 and
17 inserting the following: "chapter, as set forth in
18 section 97B.11. A person hired on or".
19 7. Page 3, by striking lines 26 through 32 and
20 inserting the following:
21 "2. The state board of education shall select
22 providers of the retirement system that are insurance
23 companies authorized to issue annuity contracts in
24 this state that are capable of providing bundled
25 services for the retirement system, including, but not
26 limited to, administration, investment management,
27 employee education, and recordkeeping. The state
28 board of education may limit the number of providers
29 offered pursuant to this subsection to no more than
30 six. The selection by the state board of education of
31 a provider of the retirement system pursuant to this
32 subsection shall not constitute an endorsement of the
33 provider by the state board of education. In
34 selecting providers, the state board of education
35 shall place".

A non-record roll call was requested.

The ayes were 49, nays 39.

Amendment [H-1265](#) was adopted.

Mascher of Johnson rose on a point of order that amendment [H-1262](#), as amended, was not germane.

The Speaker ruled the point not well taken and amendment [H-1262](#), as amended, germane.

Kurtenbach of Story moved the adoption of amendment [H-1262](#), as amended.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 45, nays 54.

Amendment [H-1262](#), as amended, lost.

Elgin of Linn offered the following amendment [H-1058](#) filed by him and moved its adoption:

[H-1058](#)

- 1 Amend [House File 729](#) as follows:
- 2 1. Page 12, by inserting after line 2 the
- 3 following:
- 4 "Sec.____. Section 602.9107A, Code 2005, is
- 5 repealed."
- 6 2. By renumbering as necessary.

Amendment [H-1058](#) was adopted.

Elgin of Linn 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. 729](#))

The ayes were, 94:

Anderson	Arnold	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Eichhorn
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hogg	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kaufmann

Kressig	Kuhn	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, 5:

Alons	Hoffman	Kurtenbach	Van Engelenhoven
Wilderdike			

Absent or not voting, 1:

Taylor, T.

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

[HOUSE FILE 61](#) WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw [House File 61](#) from further consideration by the House.

[HOUSE FILE 603](#) WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw [House File 603](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 729](#) be immediately messaged to the Senate.

[House File 793](#), a bill for an act 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, striking the authority of the state or county commissioner to issue a notice of a technical infraction, 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, imposing a prohibition on absentee ballot couriers, prohibiting certain communications when absentee ballots are being counted, 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, striking a requirement related to counting federal write-in ballots, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, requiring identification of certain voter registrants, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, requiring verification of certain information on all voter registrations received by mail, 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, was taken up for consideration.

Zirkelbach of Jones asked and received unanimous consent to withdraw amendment [H-1210](#), filed by him on March 29, 2005, placing out of order amendment [H-1264](#) filed by Zirkelbach of Jones from the floor.

Jochum of Dubuque offered amendment [H-1104](#) filed by her as follows:

[H-1104](#)

- 1 Amend [House File 793](#) as follows:
- 2 1. Page 5, by striking lines 12 through 30.
- 3 2. Page 5, by inserting before line 31, the
- 4 following:
- 5 "Sec. __. Section 49.13, Code 2005, is amended by
- 6 adding the following new subsection:
- 7 NEW SUBSECTION. 5. The commissioner may appoint
- 8 high school students who are not yet qualified to be
- 9 registered voters to serve as precinct election board
- 10 members.
- 11 a. To qualify to serve as a precinct election
- 12 board member, a high school student shall:
- 13 (1) Be a United States citizen.
- 14 (2) Be a junior or senior in good standing
- 15 enrolled in a public or private secondary school in
- 16 Iowa.
- 17 (3) Have a cumulative grade point average
- 18 equivalent to at least 2.0 on a 4.0 scale.
- 19 (4) At the time of appointment, have the written
- 20 approval of the principal of the secondary school the
- 21 student attends.
- 22 (5) Have the written approval of the student's
- 23 parent or legal guardian.
- 24 (6) Have satisfactorily completed the training
- 25 course for election officials.
- 26 (7) Meet all other qualifications for appointment
- 27 and service as an election board member except the
- 28 requirement of being a registered voter.
- 29 b. No more than one student precinct election
- 30 board member may serve on each precinct election
- 31 board.
- 32 c. Student precinct election board members shall
- 33 not serve as the chairperson of a precinct election
- 34 board.
- 35 d. Before serving at a partisan election, the
- 36 student election precinct board member must certify in
- 37 writing to the commissioner the political party with
- 38 which the student is affiliated.
- 39 e. Student precinct election board members shall
- 40 not be counted as absent from school on the day they
- 41 serve as election officials.
- 42 f. Student precinct election board members shall
- 43 not be allowed to work more hours than allowed under
- 44 the applicable labor laws."
- 45 3. Page 6, by inserting after line 16, the
- 46 following:

47 "Sec. ____ Section 49.15, Code 2005, is amended by
 48 adding the following new unnumbered paragraph:
 49 NEW UNNUMBERED PARAGRAPH. In drawing up precinct
 50 election board panels, the commissioner may use

Page 2

1 student precinct election board members appointed
 2 pursuant to section 49.13, subsection 5."
 3 4. By striking page 7, line 25, through page 8,
 4 line 1.
 5 5. By striking page 10, line 35, through page 11,
 6 line 1, and inserting the following: "ballots to
 7 absent voters as provided by sections 53.8, 53.10, and
 8 53.11. The printed ballots shall be subject to the".
 9 6. Page 11, line 16, by striking the figures
 10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 11 53.11".
 12 7. Page 11, line 25, by striking the figures
 13 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 14 53.11".
 15 8. Page 11, line 35, by striking the figures
 16 "~~53.11~~ 53.10," and inserting the following: "53.10 or
 17 53.11".
 18 9. Page 16, by striking line 4.
 19 10. Page 17, by inserting before line 3, the
 20 following:
 21 "Sec. ____ NEW SECTION. 48A.9A ELECTION DAY
 22 REGISTRATION.
 23 1. Notwithstanding any other provision to the
 24 contrary, an individual who is eligible to vote may
 25 register on election day by appearing in person at the
 26 polling place for the precinct in which the individual
 27 maintains residence, by completing a registration
 28 application, making an oath in the form prescribed by
 29 the secretary of state, and providing proof of
 30 residence. An individual may prove residence for
 31 purposes of registering by doing any of the following:
 32 a. Presenting an Iowa driver's license or Iowa
 33 nonoperator's identification card.
 34 b. Presenting any document approved by the
 35 secretary of state as proper identification.
 36 c. Presenting one of the following:
 37 (1) A current valid student identification card
 38 from a postsecondary educational institution in Iowa,
 39 if a list of students from that institution has been
 40 prepared and certified to the county auditor in the
 41 manner provided in rules of the secretary of state.
 42 (2) A current student fee statement that contains
 43 the student's valid address in the precinct together
 44 with a picture identification card.
 45 d. Having a voter who is register to vote in the

46 precinct sign an oath in the presence of the precinct
47 election official vouching that the voter personally
48 knows that the individual is a resident of the
49 precinct. A voter who has been vouched for on
50 election day may not sign a proof of residence oath

Page 3

1 vouching for any other individual on that election
2 day.
3 2. The precinct election official responsible for
4 election day registration shall initial each completed
5 registration application.
6 3. Registration at the polling place on election
7 day shall be conducted by a precinct election official
8 designated by the commissioner. The precinct election
9 official who registers an individual at the polling
10 place on election day shall not handle that voter's
11 ballots at any time prior to the opening of the ballot
12 box after the voting ends. Registration forms and
13 forms for oaths shall be available at each polling
14 place. If an individual who registers on election day
15 proves residence by oath of a registered voter, the
16 form containing the oath shall be attached to the
17 individual's registration card. Registration cards
18 completed on election day shall be forwarded to the
19 commissioner of registration who shall add the name of
20 each voter to the registration system unless the
21 information forwarded is substantially deficient. A
22 commissioner of registration who finds an election day
23 registration substantially deficient shall give
24 written notice to the individual whose registration is
25 found deficient. An election day registration shall
26 not be found deficient solely because the individual
27 who vouched for proof of residence was ineligible to
28 do so."
29 11. Page 52, by inserting before line 32, the
30 following:
31 "DIVISION _____
32 MAIL BALLOT ELECTIONS
33 Sec. __. NEW SECTION. 49B.1 MAIL BALLOT
34 ELECTIONS.
35 A mail ballot election may be conducted in cities
36 with a population of two hundred or less as provided
37 in this chapter.
38 Sec. __. NEW SECTION. 49B.2 DEFINITIONS.
39 As used in this chapter, unless the context
40 otherwise requires:
41 1. "Election day" is the date established by law
42 on which a particular election would be held if that
43 election were being conducted by means other than a
44 mail ballot election.

45 2. "Return verification envelope" means an
46 envelope that contains a secrecy envelope and that is
47 designed to allow election officials, upon examination
48 of the outside of the envelope, to determine that the
49 ballot is being submitted by someone who is in fact a
50 registered voter and who has not already voted.

Page 4

1 3. "Secrecy envelope" means an envelope that is
2 used to contain the elector's ballot and that is
3 designed to conceal the voter's vote and to prevent
4 the voter's ballot from being distinguished from the
5 ballots of other voters.

6 Sec. __. NEW SECTION. 49B.3 MAIL BALLOT
7 ELECTION PROCEDURE.

8 The state commissioner of elections shall prescribe
9 uniform procedures and forms to be used in the conduct
10 of mail ballot elections.

11 Sec. __. NEW SECTION. 49B.4 INITIATION BY
12 GOVERNING BODY.

13 1. If the city council of a city with a population
14 of two hundred or less determines that it is
15 economically and administratively feasible to conduct
16 the regular city election or a special city election
17 by mail, the city council, by resolution, may require
18 the county commissioner of elections to conduct the
19 election under this chapter by filing the resolution
20 with the county commissioner not later than ninety
21 days before the date of the election.

22 2. After the resolution is filed, the county
23 commissioner shall prepare a written plan for
24 conducting the election as provided in section 49B.5.
25 At least seventy-one days before the date set for the
26 election, the county commissioner shall forward a copy
27 of the written plan to the city council concerned.

28 Sec. __. NEW SECTION. 49B.5 WRITTEN PLAN FOR
29 CONDUCTING ELECTION - AMENDMENTS - APPROVAL
30 PROCEDURE.

31 1. The county commissioner shall prepare a written
32 plan, including a timetable, for conducting a mail
33 ballot election and shall submit it to the state
34 commissioner of elections at least seventy-one days
35 before the date of the election.

36 2. The plan may be amended by the county
37 commissioner any time before the sixty-fourth day
38 before the date of the election by notifying the state
39 commissioner of elections in writing of any changes.

40 3. Within five days after receiving the plan, and
41 as soon as possible after receiving any amendments,
42 the state commissioner of elections shall approve,
43 disapprove, or recommend changes to the plan or

44 amendments. The final plan shall be approved and
45 available to the public at least two days before the
46 deadline for candidates to file nomination papers in
47 the office of the city clerk.

48 4. When the written plan has been approved, the
49 county commissioner shall proceed to conduct the
50 election according to the approved plan.

Page 5

1 Sec. __. NEW SECTION. 49B.6 PUBLICATION OF
2 NOTICE.

3 The county commissioner shall, not more than ten
4 days and not less than four days before the date that
5 ballots are to be mailed, publish notice that a mail
6 ballot election will be conducted. The notice shall
7 be published in a newspaper of general circulation in
8 each city for which the mail ballot election will be
9 conducted. The notice shall include all of the
10 following information:

11 1. The date ballots will be mailed.

12 2. The last day that a voter can request an
13 absentee ballot.

14 3. Voter registration deadlines.

15 4. Location or locations where mail ballots can be
16 deposited pursuant to section 49B.13.

17 5. Instructions for obtaining a replacement ballot
18 if a voter's ballot is destroyed, spoiled, lost, or
19 not received pursuant to section 49B.9.

20 The county commissioner is not required to publish
21 a sample ballot.

22 Sec. __. NEW SECTION. 49B.7 MAILING BALLOTS.

23 1. Official ballots for a mail ballot election
24 shall be prepared and all other initial procedures for
25 elections shall be followed as otherwise provided by
26 law.

27 2. The county commissioner of elections shall mail
28 an official ballot to every registered voter of the
29 city conducting the election on a date not sooner than
30 the twentieth day before the date of the election and
31 not later than the tenth day before the date of the
32 election. An exception shall be made for those
33 ballots delivered as prescribed in section 49B.12.

34 3. All ballots shall be mailed by first class
35 mail.

36 4. Ballots mailed by the county commissioner shall
37 be addressed to the address of each voter appearing in
38 the registration records of the city, and placed in an
39 envelope which is prominently marked "Do Not Forward".

40 5. The ballot shall contain the following warning:
41 "Any person who, by use of violence, threats of
42 violence, or any means of duress, procures the vote of

43 a voter for or against any measure or candidate is
44 subject, upon conviction, to imprisonment or to a
45 fine, or both."
46 Sec. __. NEW SECTION. 49B.8 REGISTRATION.
47 The county commissioner shall not mail a ballot
48 under this chapter to any voter not registered thirty
49 days before the date of the election. Voters
50 registered less than thirty days before the date of

Page 6

1 the election, but before the close of registration,
2 may apply for a ballot under section 49B.9.
3 Sec. __. NEW SECTION. 49B.9 REPLACEMENT
4 BALLOTS.
5 If the mail ballot is destroyed, spoiled, lost, or
6 not received by the voter, or if the voter was
7 registered less than thirty days before the date of
8 the election but before the close of registration, the
9 voter may obtain a replacement ballot from the county
10 commissioner as provided in this section. A voter
11 seeking a replacement ballot shall sign a statement,
12 on a form prescribed by the state commissioner, that
13 the ballot was destroyed, spoiled, lost, or not
14 received, or that the voter was registered less than
15 thirty days before the date of the election but before
16 the close of registration. The voter or the voter's
17 designee shall deliver the statement to the county
18 commissioner before noon on the date of the election.
19 The voter may mail the statement to the county
20 commissioner. However, a county commissioner shall
21 not transmit a ballot by mail under this section
22 unless the statement is received before five p.m. on
23 the fourth day before the date of the election. When
24 a statement is timely received under this section, the
25 county commissioner shall give the ballot to the voter
26 if the voter is present in the office of the county
27 commissioner, or promptly mail the ballot to the voter
28 at the address contained in the statement, except when
29 prohibited by this section. If the voter is present
30 in the county commissioner's office, the ballot shall
31 be voted at that time. The county commissioner shall
32 keep a record of each replacement ballot provided
33 under this section. If a voter, having received and
34 voted a replacement ballot as provided under this
35 section, later finds the lost ballot, the voter shall
36 return the lost ballot to the county commissioner.
37 Sec. __. NEW SECTION. 49B.10 VOTING AND RETURN
38 OF BALLOT.
39 1. A registered voter, upon receipt of a mail
40 ballot, shall mark the ballot in such a manner that no
41 other person will know how the ballot is marked and

42 shall place it in the secrecy envelope provided with
43 the ballot.
44 A voter who is blind, cannot read, or because of a
45 physical disability is unable to mark the ballot, may
46 be assisted by any person selected by the voter.
47 2. The voter shall place the secrecy envelope
48 containing the ballot in the return verification
49 envelope and sign and securely seal the return
50 verification envelope. The sealed return verification

Page 7

1 envelope shall be returned to the county commissioner
2 by one of the following methods:
3 a. The sealed return verification envelope may be
4 delivered by the registered voter or the voter's
5 designee to the county commissioner's office or a
6 place designated by the commissioner no later than the
7 time the polls close on election day.
8 b. The sealed return verification envelope may be
9 mailed, postage paid, to the county commissioner. In
10 order for the ballot to be counted, the return
11 verification envelope must be clearly postmarked by an
12 officially authorized postal service not later than
13 the day before the election and received by the county
14 commissioner not later than the time established for
15 the canvass by the board of supervisors for that
16 election. The county commissioner shall contact the
17 post office serving the county commissioner's office
18 at the latest practical hour before the canvass by the
19 board of supervisors for that election, and shall
20 arrange for return verification envelopes received in
21 that post office but not yet delivered to the
22 commissioner's office to be brought to the
23 commissioner's office before the canvass for that
24 election by the board of supervisors.
25 Sec. __. NEW SECTION. 49B.11 ABSENTEE BALLOTS.
26 1. A registered voter who will be absent from the
27 city during the time when the ballots are mailed may
28 do either of the following:
29 a. Vote in person in the county commissioner's
30 office as soon as ballots are available and until noon
31 the day before the ballots are scheduled to be mailed.
32 b. Make a written request, signed by the voter and
33 addressed to the county commissioner, that the ballot
34 be mailed to an address other than that which appears
35 on the voter's registration record. Written requests
36 shall be accepted until noon the day before the
37 ballots are scheduled to be mailed.
38 2. Ballots mailed to voters pursuant to this
39 section shall be mailed the same day that all other
40 ballots are mailed.

41 Sec. __. NEW SECTION. 49B.12 BALLOTING BY
42 CONFINED PERSONS.

43 A person who is a resident or patient in a health
44 care facility or hospital located in the county in
45 which the election is to be held shall not be mailed a
46 ballot but shall have a ballot delivered in the manner
47 prescribed by section 53.22, subsection 1.

48 Sec. __. NEW SECTION. 49B.13 PERSONAL DELIVERY
49 OF MAIL BALLOT - BALLOT DROPOFF STATIONS.

50 A ballot dropoff station for the deposit of mail

Page 8

1 ballots may be established in the city conducting the
2 mail ballot election at the direction of the county
3 commissioner. A ballot dropoff station established at
4 the direction of the commissioner shall be open from
5 eight a.m. until five p.m. on the day of the election.

6 Sec. __. NEW SECTION. 49B.14 RECEIPT OF BALLOT
7 - SIGNATURE VERIFICATION.

8 When a mail ballot is returned, the county
9 commissioner, or the county commissioner's designees,
10 shall first examine the return verification envelope
11 to determine whether it was submitted by a registered
12 voter who has not previously voted. A ballot shall be
13 counted only if it is returned in the return
14 verification envelope, the envelope is signed by the
15 voter to whom the ballot is issued, and the signature
16 has been verified as provided in this section.

17 The county commissioner or the county
18 commissioner's designees shall verify the signature of
19 each voter on the return verification envelope with
20 the signature in the voter's registration records and
21 may commence verification at any time before election
22 day. If a voter to whom a replacement ballot has been
23 issued under section 49B.9 returns more than one
24 ballot, only the replacement ballot shall be counted.

25 If the voter's signature is verified and the ballot
26 is otherwise valid, the county commissioner or the
27 county commissioner's designees shall deposit the
28 ballot unopened in an official ballot box.

29 Sec. __. NEW SECTION. 49B.15 PROCEDURE FOR
30 INVALID BALLOTS.

31 If the county commissioner is not convinced that
32 the individual who signed the return verification
33 envelope is the voter whose name appears on the
34 registration card, the county commissioner shall not
35 deposit the ballot in a ballot box but shall do all of
36 the following:

- 37 1. Give notice to the voter as follows:
38 a. As soon as possible after receipt of a voter's
39 ballot, give notice to the voter, either by telephone

40 or by first class mail, if the county commissioner is
41 unable to verify the voter's signature.
42 b. Inform the voter that the voter may appear in
43 person at the county commissioner's office before the
44 close of the polls on election day and verify the
45 signature.
46 2. Permit any voter appearing pursuant to
47 subsection 1, paragraph "b", to:
48 a. Verify the voter's signature, after proof of
49 identification, by affirming that the signature is in
50 fact the voter's or by completing a new registration

Page 9

1 card containing the voter's current signature.
2 b. If necessary, request and receive a replacement
3 ballot and vote at that time.
4 3. If the discrepancy is not rectified to the
5 county commissioner's satisfaction, present the
6 unopened envelope and the registration card to the
7 special precinct election board for a determination.
8 If the election board is unable to resolve the issue
9 to its satisfaction, the ballot shall not be counted.
10 Sec. __. NEW SECTION. 49B.16 COUNTING BALLOTS.
11 Mail ballots shall be counted in the manner
12 prescribed by section 53.23 for absentee ballots. The
13 county commissioner shall supervise the procedures for
14 the handling, counting, and canvassing of ballots to
15 ensure the safety and confidentiality of all ballots.
16 Sec. __. NEW SECTION. 49B.17 CHALLENGES.
17 Votes cast pursuant to this chapter may be
18 challenged in the manner prescribed by section 53.31
19 for absentee ballots.
20 Sec. __. NEW SECTION. 49B.18 CANVASS OF VOTES.
21 The provisions of chapter 50 relating to canvass of
22 votes apply to this chapter only to the extent they do
23 not conflict with this chapter.
24 Sec. __. NEW SECTION. 49B.19 OTHER LAWS.
25 All laws which apply to elections apply to mail
26 ballot elections held under this chapter to the extent
27 applicable.
28 Sec. __. NEW SECTION. 49B.20 RULES.
29 The state commissioner of elections shall adopt
30 rules pursuant to chapter 17A to govern the procedures
31 and forms necessary to administer this chapter. The
32 authority of the state commissioner to adopt rules
33 under this chapter shall be liberally construed.
34 Sec. __. NEW SECTION. 49B.21 MISCONDUCT –
35 VIOLATIONS – PENALTIES.
36 A person who violates or attempts to violate any
37 provision or requirement of this chapter for which a
38 penalty is not otherwise provided under chapter 39A

39 commits a simple misdemeanor.
 40 Sec. __. NEW SECTION. 39.2A MAIL BALLOT
 41 ELECTIONS.
 42 All mail ballot elections shall be conducted
 43 pursuant to chapter 49B.
 44 Sec. __. APPLICABILITY DATE. This division of
 45 this Act applies to elections held on or after January
 46 1, 2006.
 47 DIVISION _____
 48 CITIZENS' RIGHT TO VOTE
 49 Sec. __. FINDINGS AND PURPOSE. The general
 50 assembly finds that the 2000 general election exposed

Page 10

1 serious flaws in our nation's voting systems. The
 2 pattern of turning away or discouraging voters
 3 continued in 2004, due to voter intimidation and
 4 suppression tactics as well as communications failures
 5 and mistakes.
 6 In order to protect the right to vote for all its
 7 citizens, the state recognizes the need to criminalize
 8 voter intimidation and voter suppression, require a
 9 voting bill of rights to be posted at every precinct
 10 polling place, and provide precinct election officials
 11 with a manual of election procedures to use on
 12 election day.
 13 Sec. __. Section 39A.2, subsection 1, paragraph
 14 c, Code 2005, is amended by adding the following new
 15 subparagraphs:
 16 NEW SUBPARAGRAPH. (4) To refrain from registering
 17 to vote, voting, or attempting to register to vote.
 18 NEW SUBPARAGRAPH. (5) To vote, or to refrain from
 19 voting, for any particular candidate or ballot
 20 measure.
 21 Sec. __. Section 39A.2, subsection 1, Code 2005,
 22 is amended by adding the following new paragraph:
 23 NEW PARAGRAPH. f. SUPPRESSION.
 24 (1) Challenges a person's right to vote based on
 25 knowingly false information.
 26 (2) Attempts to induce a person to refrain from
 27 registering to vote or from voting by providing that
 28 person with knowingly false information.
 29 (3) Attempts to induce a person to refrain from
 30 registering to vote, or to refrain from voting, at the
 31 proper place or time by providing that person with
 32 knowingly false information about the manner in which
 33 an eligible elector may register to vote or about an
 34 election.
 35 Sec. __. Section 47.1, Code 2005, is amended by
 36 adding the following new subsection:
 37 NEW SUBSECTION. 6. The state commissioner shall

38 create a manual of election procedures that provides
39 uniform polling place procedures to guide precinct
40 election officials in the proper implementation of the
41 election laws. The manual shall be indexed by subject
42 and written in clear and unambiguous language. The
43 manual shall provide specific examples of common
44 problems encountered at the polls on election day, and
45 detail specific procedures for resolving those
46 problems. The manual shall include, but not be
47 limited to, the following:
48 a. Regulations governing solicitation by
49 individuals and groups at the polling place.
50 b. Procedures to be followed with respect to

Page 11

1 voters whose names are not on the precinct register.
2 c. Proper operation of the voting system or voting
3 machine in use at the polling place.
4 d. Procedures for handling ballots.
5 e. Procedures governing spoiled ballots.
6 f. Procedures to be followed after the polls
7 close.
8 g. The rights of voters at the polls.
9 h. Procedures for handling emergency situations.
10 i. Procedures for handling and processing
11 provisional ballots.
12 j. Security procedures.
13 The manual shall be adopted by rule pursuant to
14 chapter 17A. The manual shall be revised from time to
15 time as may be necessary and the revisions shall be
16 adopted by rule in the same manner as the original
17 manual.
18 The county commissioner of elections shall provide
19 a copy of the manual, in paper or electronic format,
20 to each precinct polling place on election day. The
21 manual may be used to supplement the training manual
22 required by section 49.126 when conducting the
23 training course required by section 49.124.
24 Sec. __. Section 49.68, Code 2005, is amended to
25 read as follows:
26 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.
27 1. The state commissioner with the approval of the
28 attorney general shall prepare, and from time to time
29 revise, written instructions to the voters relative to
30 voting, and shall furnish each commissioner with
31 copies of the instructions. Such instructions shall
32 cover the following matters:
33 ~~1.~~ a. The manner of obtaining ballots.
34 ~~2.~~ b. The manner of marking ballots.
35 ~~3.~~ c. That unmarked or improperly marked ballots
36 will not be counted.

37 4. d. The method of gaining assistance in marking
 38 ballots.
 39 ~~5. e.~~ That any erasures or identification marks,
 40 or otherwise spoiling or defacing a ballot, will
 41 render it invalid.
 42 ~~6. f.~~ Not to vote a spoiled or defaced ballot.
 43 ~~7. g.~~ How to obtain a new ballot in place of a
 44 spoiled or defaced one.
 45 ~~8. h.~~ Any other matters ~~thought~~ determined
 46 necessary.
 47 2. Another set of instructions, which shall be
 48 known as the Iowa voter bill of rights, shall inform
 49 the voter as to the following matters:
 50 a. That the voter has the right to inspect a

Page 12

1 sample ballot before voting.
 2 b. That the voter has the right to cast a ballot
 3 if the voter is on the premises of the voter's
 4 precinct polling place at the time the polling place
 5 is to be closed.
 6 c. That the voter has the right to ask for and
 7 receive assistance in voting, including assistance in
 8 languages other than English if required by federal or
 9 state law.
 10 d. That the voter has the right to return a
 11 spoiled ballot to the precinct election officials and
 12 receive another ballot, but no more than three
 13 ballots, including the one first delivered, may be
 14 received by the voter.
 15 e. That the voter has the right to cast a
 16 provisional ballot if the voter's eligibility to vote
 17 is in question.
 18 f. That the voter has the right to cast a ballot
 19 free from coercion or intimidation by any person,
 20 including election officials.
 21 g. That the voter has the right to cast a ballot
 22 using voting equipment that accurately counts all
 23 votes properly cast.
 24 h. Any other matters determined necessary.
 25 3. In any political subdivision or precinct where
 26 federal or state law requires the ballot to be made
 27 available in a language other than English, the sets
 28 of instructions required by this section shall also be
 29 made available in such language.
 30 Sec. __. Section 49.70, Code 2005, is amended to
 31 read as follows:
 32 49.70 PRECINCT ELECTION OFFICIALS FURNISHED
 33 INSTRUCTIONS.
 34 The commissioner shall cause copies of ~~the~~
 35 ~~foregoing~~ each set of instructions described in

36 section 49.68 to be printed in large, clear type,
37 under the ~~heading~~ headings of "Instructions for
38 ~~Voters~~ Marking Ballots" and "Iowa Voter Bill of
39 Rights", and shall furnish the precinct election
40 officials with a sufficient number of such each set of
41 instructions as will enable them to comply with
42 section 49.71.

43 Sec. __. Section 49.71, Code 2005, is amended to
44 read as follows:

45 49.71 POSTING INSTRUCTION CARDS AND SAMPLE
46 BALLOTS.

47 The precinct election officials, before the opening
48 of the polls, shall cause ~~the each set of~~ instructions
49 ~~for voters~~ required pursuant to section 49.70 to be
50 securely posted as follows:

Page 13

1 1. One copy of instructions for marking ballots in
2 each voting booth.

3 2. Not less than four copies of each set, with an
4 equal number of sample ballots, in and about the
5 polling place.

6 Sec. __. IMPLEMENTATION OF DIVISION. Section
7 25B.2, subsection 3, shall not apply to this division
8 of this Act."

9 12. Title page 1, by striking lines 5 and 6, and
10 inserting the following: "allowing a county
11 commissioner of elections to appoint certain high
12 school students to serve as precinct election board
13 members, relating to".

14 13. Title page 2, by striking lines 6 and 7, and
15 inserting the following: "ballots, defining voter
16 registration list,".

17 14. Title page 2, line 8, by inserting before the
18 word "requiring" the following: "allowing voter
19 registration at the polls on election day,".

20 15. Title page 2, line 19, by inserting after the
21 word "areas," the following: "allowing elections in
22 certain cities to be conducted by mail ballots and
23 providing penalties, relating to the right of Iowa's
24 citizens to vote,".

25 16. Title page 2, line 20, by inserting after the
26 word "date," the following: "implementation,".

27 17. By renumbering as necessary.

Jochum of Dubuque offered the following amendment [H-1179](#), to
amendment [H-1104](#), filed by her and moved its adoption:

[H-1179](#)

- 1 Amend the amendment, [H-1104](#), to [House File 793](#) as
2 follows:
3 1. Page 2, by inserting after line 2, the
4 following:
5 "___". Page 7, by striking lines 6 through 24."
6 2. Page 13, by inserting after line 13, the
7 following:
8 "___". Title page 1, lines 8 and 9, by striking
9 the words "modifying closing hours of the polls,"."
10 3. By renumbering as necessary.

Amendment [H-1179](#) was adopted.

Jochum of Dubuque offered the following amendment [H-1180](#), to amendment [H-1104](#), filed by her and moved its adoption:

[H-1180](#)

- 1 Amend the amendment, [H-1104](#), to [House File 793](#) as
2 follows:
3 1. Page 2, by inserting after line 14, the
4 following:
5 "___". Page 11, by inserting before line 26, the
6 following:
7 "Sec. ___". Section 53.11, subsection 1, Code 2005,
8 is amended to read as follows:
9 1. Satellite absentee voting stations may be
10 established at a public place throughout the cities
11 and county at the direction of the commissioner and
12 shall be established upon receipt of a petition signed
13 by not less than one hundred eligible electors
14 requesting that a satellite absentee voting station be
15 established at a ~~location~~ public place to be described
16 on the petition. A satellite absentee voting station
17 established by petition must be open at least one day
18 for a minimum of six hours. A satellite absentee
19 voting station established at the direction of the
20 commissioner or by petition may remain open until five
21 p.m. on the day before the election.
22 Sec. ___". Section 53.11, Code 2005, is amended by
23 adding the following new subsection:
24 NEW SUBSECTION. 5. For purposes of this section,
25 "public place" means any enclosed indoor area used by
26 the general public including restaurants with a
27 seating capacity greater than twenty, retail stores, a
28 building lobby, malls, educational facilities,
29 hospitals, clinics, nursing homes, other health care

30 and medical facilities, theaters, libraries, art
31 museums, concert halls, indoor arenas, any location
32 used as a polling place for a general election, and a
33 building owned by a city, county, or school
34 district."
35 2. By striking page 2, line 45, through page 3,
36 line 2.
37 3. Page 3, by striking lines 14 through 17, and
38 inserting the following: "place. Registration
39 forms".
40 4. Page 3, by striking lines 25 through 28, and
41 inserting the following: "found deficient."
42 5. Page 13, by inserting after line 13, the
43 following:
44 "_. Title page 1, line 16, by inserting after
45 the word "office," the following: "relating to the
46 location of satellite absentee voting stations,".
47 6. By renumbering as necessary.

Amendment [H-1180](#) was adopted.

On motion by Jochum of Dubuque, amendment [H-1104](#), as amended, lost.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-1116](#) filed by him on March 21, 2005, placing out of order amendment [H-1200](#) filed by Jacobs of Polk on March 29, 2005 and amendment [H-1241](#) filed by Jacobs of Polk on March 30, 2005.

Gaskill of Wapello offered the following amendment [H-1175](#) filed by her and moved its adoption:

[H-1175](#)

1 Amend [House File 793](#) as follows:
2 1. Page 7, by striking lines 6 through 24.
3 2. Page 7, line 25, by inserting after the figure
4 "3," the following: "unnumbered paragraph 1".
5 3. Page 7, line 27, by striking the figure "3."
6 4. By striking page 7, line 32 through page 8,
7 line 1.
8 5. By striking page 10, line 35 through page 11,
9 line 1, and inserting the following: "ballots to
10 absent voters as provided by sections 53.8, ~~53.10~~, and
11 53.11. The printed ballots shall be subject to the".
12 6. Page 11, line 16, by striking the figures
13 "~~53.11~~ ~~53.10~~" and inserting the following: "53.10 or
14 53.11".

- 15 7. Page 11, line 25, by striking the figures
 16 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 17 53.11".
- 18 8. Page 11, line 35, by striking the figures
 19 "~~53.11~~ 53.10," and inserting the following: "53.10 or
 20 53.11".
- 21 9. Page 16, by striking line 4.
- 22 10. By striking page 19, line 3, through page 41,
 23 line 12.
- 24 11. Title page 1, lines 8 and 9, by striking the
 25 words "modifying closing hours of the polls,".
- 26 12. Title page 2, by striking lines 6 and 7, and
 27 inserting the following: "ballots, defining voter
 28 registration list,".
- 29 13. Title page 2, by striking lines 15 through
 30 17, and inserting the following: "registration
 31 verification, providing for the".
- 32 14. By renumbering as necessary.

Amendment [H-1175](#) lost.

Jacobs of Polk offered the following amendment [H-1196](#) filed by her and moved its adoption:

[H-1196](#)

- 1 Amend [House File 793](#) as follows:
- 2 1. By striking page 10, line 35 through page 11,
 3 line 1, and inserting the following: "ballots to
 4 absent voters as provided by sections 53.8, 53.10, and
 5 53.11. The printed ballots shall be subject to the".
- 6 2. Page 11, line 16, by striking the figures
 7 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 8 53.11".
- 9 3. Page 11, line 25, by striking the figures
 10 "~~53.11~~ 53.10" and inserting the following: "53.10 or
 11 53.11".
- 12 4. Page 11, by inserting after line 25 the
 13 following:
 14 "Sec. __. Section 53.11, subsection 1, Code 2005,
 15 is amended to read as follows:
 16 1. Satellite absentee voting stations may be
 17 established throughout the cities and county at the
 18 direction of the commissioner ~~and shall be established~~
 19 ~~upon receipt of a petition signed by not less than one~~
 20 ~~hundred eligible electors requesting that a satellite~~
 21 ~~absentee voting station be established at a location~~
 22 ~~to be described on the petition. A satellite absentee~~
 23 ~~voting station established by petition must be open at~~
 24 ~~least one day for a minimum of six hours. A satellite~~
 25 absentee voting station established at the direction

26 of the commissioner ~~or by petition~~ may remain open
27 until five p.m. on the day before the election.
28 Sec. __. Section 53.11, subsection 2, Code 2005,
29 is amended by striking the subsection."
30 5. Page 11, line 35, by striking the figures
31 "~~53.11~~ 53.10," and inserting the following: "53.10 or
32 53.11."
33 6. Page 16, by striking line 4.
34 7. Title page 2, by striking line 6 and inserting
35 the following: "ballots, relating to establishment of
36 satellite,".
37 8. By renumbering as necessary.

Amendment [H-1196](#) was adopted.

Gipp of Winneshiek asked and received unanimous consent that [House File 793](#) be deferred and that the bill retain its place on the calendar.

[House File 799](#), a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-1176](#) filed by him and moved its adoption:

[H-1176](#)

1 Amend [House File 799](#) as follows:
2 1. Page 10, line 21, by striking the word
3 "annulment" and inserting the following: "dissolution '
4 of marriage".
5 2. Page 10, line 23, by striking the word
6 "annulment" and inserting the following: "affinity".
7 3. Page 10, by inserting after line 23 the
8 following:
9 "Sec. __. Section 633.434, unnumbered paragraph
10 2, Code 2005, is amended to read as follows:
11 Upon the expiration of the later to occur of four
12 months after the date of the second publication of
13 notice to creditors or one month after the service of
14 the notice by ordinary mail upon all claimants whose
15 identities are reasonably ascertainable, at their last
16 known addresses and whose claims will not or may not
17 be paid or otherwise satisfied during administration,
18 the personal representative shall pay the debts and
19 charges against the estate in accordance with this
20 probate code. If it appears at any time that the
21 estate is or may be insolvent, that there are

- 22 insufficient funds on hand, or that there is other
23 good and sufficient cause, the personal representative
24 may report that fact to the court and apply for any
25 order that the personal representative deems
26 necessary."
27 4. Page 12, by striking lines 17 through 19 and
28 inserting the following: "steps to verify the
29 identity of the person acting as attorney in fact or
30 agent."
31 5. Page 13, by striking lines 23 through 26 and
32 inserting the following: "taken reasonable steps to
33 verify the identity of the person acting as attorney
34 in fact or agent. The holder of the principal's
35 property may".
36 6. Page 16, by striking line 22 and inserting the
37 following: "affinity, and who, subsequent to the
38 divorce or dissolution of marriage".
39 7. Page 19, line 12, by striking the figure
40 "633.434;".
41 8. By renumbering as necessary.

Amendment [H-1176](#) was adopted.

[SENATE FILE 379](#) SUBSTITUTED FOR [HOUSE FILE 799](#)

Paulsen of Linn asked and received unanimous consent to substitute [Senate File 379](#) for [House File 799](#).

[Senate File 379](#), a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-1204](#) filed by him and Swaim of Davis and moved its adoption:

[H-1204](#)

- 1 Amend [Senate File 379](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 6, line 12, by striking the word
4 "decedent" and inserting the following: "decedent",
5 2. Page 6, line 13, by striking the word
6 "intestacy" and inserting the following: "intestacy",
7 3. Page 10, by striking line 15 and inserting the
8 following: "be reinstated unless otherwise revoked by
9 the testator, except".
10 4. By renumbering as necessary.

Amendment [H-1204](#) was adopted.

Paulsen of Linn 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. 379](#))

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
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	Rants, Spkr.	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	Drake, Presiding

The nays were, none.

Absent or not voting, none

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

Speaker Rants in the chair at 4:26 p.m.

[HOUSE FILE 799](#) WITHDRAWN

Paulsen of Linn asked and received unanimous consent to withdraw [House File 799](#) from further consideration by the House.

INTRODUCTION OF BILL

[House File 830](#), by Kurtenbach and Struyk, a bill for an act relating to property taxation by increasing the square foot tax on mobile and manufactured homes, modifying the terms and continuing education requirements of local assessors, relating to property assessment guidelines for local assessors, modifying the definition of residential property for purposes of assessment, prohibiting increases of certain property assessment amounts in certain circumstances, and including effective and applicability date and transition provisions.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 379](#) be immediately messaged to the Senate.

The House resumed consideration of [House File 826](#), a bill for an act relating to the speed limit for vehicular traffic on highways, the fines for violations, and court costs for simple misdemeanor offenses and providing a fee and making appropriations, previously deferred and found on page 996 of the House Journal.

Horbach of Tama asked and received unanimous consent to withdraw amendment [H-1261](#) filed by him on March 30, 2005, placing out of order amendments [H-1270](#) filed by Murphy of Dubuque, Bell of Jasper, Berry of Black Hawk, Bukta of Clinton, Cohoon of Des Moines, Dandekar of Linn, Davitt of Warren, Foege of Linn, Ford of Polk, Frevert of Palo Alto, Gaskill of Wapello, Heddens of Story, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kressig of Back Hawk, Kuhn of Floyd, Lensing of Johnson, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Mertz of Kossuth, Miller of Webster, Oldson of Polk, D. Olson of Boone, Petersen of Polk, Pettengill of Benton, Quirk of Chickasaw, Reasoner of Union, Reichert of Muscatine, Schueller of Jackson, Shomshor of Pottawattamie, Shoultz of Black Hawk, Smith of Marshall, Swaim of

Davis, D. Taylor of Linn, Thomas of Clayton, Wendt of Woodbury, Wessel-Kroeschell of Story, Whitaker of Van Buren, Whitead of Woodbury, Winckler of Scott, Wise of Lee and Zirkelbach of Jones, and [H-1271](#) filed by Murphy of Dubuque, Bell of Jasper, Berry of Black Hawk, Reasoner of Union, Oldson of Polk, Hunter of Polk, Jochum of Dubuque, Miller of Webster, Zirkelbach of Jones, Davitt of Warren, Jacoby of Johnson, Hogg of Linn, Bukta of Clinton, McCarthy of Polk, Lykam of Scott, Whitaker of Van Buren, Ford of Polk, Petersen of Polk, Mertz of Kossuth, Kressig of Black Hawk, Frevert of Palo Alto, D. Olson of Boone, Mascher of Johnson, Kuhn of Floyd, Pettengill of Benton, Wendt of Woodbury, Reichert of Muscatine, Wessel-Kroeschell of Story, Winckler of Scott, Shoultz of Black Hawk, Shomshor of Pottawattamie, Dandekar of Linn, Quirk of Chickasaw, Cohoon of Des Moines, Whitead of Woodbury, Heddens of Story, Lensing of Johnson, Thomas of Clayton, D. Taylor of Linn, Wise of Lee, Smith of Marshall, Gaskill of Wapello, Swaim of Davis, Foege of Linn and Schueller of Jackson, and amendment [H-1272](#) filed by Murphy of Dubuque, Bell of Jasper, Bukta of Clinton, Davitt of Warren, Ford of Polk, Hogg of Linn, Hunter of Polk, Jacoby of Johnson, Jochum of Dubuque, Kuhn of Floyd, Lykam of Scott, Mascher of Johnson, McCarthy of Polk, Miller of Webster, Oldson of Polk, Petersen of Polk, Reasoner of Union, Swaim of Davis, Foege of Linn, Schueller of Jackson, D. Taylor of Linn, Berry of Black Hawk, Smith of Marshall, Pettengill of Benton, Wendt of Woodbury, Reichert of Muscatine, Wessel-Kroeschell of Story, Winckler of Scott, Shoultz of Black Hawk, Mertz of Kossuth, Frevert of Palo Alto, Kressig of Black Hawk, D. Olson of Boone, Whitaker of Van Buren, Wise of Lee, Gaskill of Wapello, Zirkelbach of Jones, Shomshor of Pottawattamie, Dandekar of Linn, Quirk of Chickasaw, Cohoon of Des Moines, Whitead of Woodbury, Heddens of Story, Lensing of Johnson, Thomas of Clayton from the floor.

Pursuant to Rule 31.8, relating to the timely filing of amendments, amendment [H-1268](#) filed by Greiner of Washington from the floor, was placed out of order.

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

On the question "Shall the bill pass?" ([H.F. 826](#))

The ayes were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Heaton	Hoffman	Horbach	Huseman
Huser	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	

The nays were, 49:

Bell	Berry	Bukta	Cphoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Greiner
Heddens	Hogg	Hunter	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			

Absent or not voting, none.

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 826](#) be immediately messaged to the Senate.

The House resumed consideration of [House File 793](#), found on pages 1015 through 1016 of the House Journal.

Jacobs of Polk offered amendment [H-1199](#) filed by her as follows:

[H-1199](#)

1 Amend [House File 793](#) as follows:

2 1. By striking page 21, line 32, through page 22,
3 line 22.

4 2. Page 23, line 6, by striking the words "~~or a~~
5 ~~special election~~" and inserting the following: "or at
6 a special election".

7 3. Page 23, line 31, by striking the words "~~or a~~
8 ~~special election~~" and inserting the following: "or at
9 a special election".

10 4. By striking page 24, line 5, through page 25,
11 line 19.

12 5. By striking page 25, line 20, through page 34,
13 line 6, and inserting the following:

14 "Sec.____. Section 275.18, unnumbered paragraph 1,
15 Code 2005, is amended to read as follows:

16 When the boundaries of the territory to be included
17 in a proposed school corporation and the number and
18 method of the election of the school directors of the
19 proposed school corporation have been determined as
20 provided in this chapter, the area education agency
21 administrator with whom the petition is filed shall
22 give written notice of the proposed date of the
23 election to the county commissioner of elections of
24 the county in the proposed school corporation which
25 has the greatest taxable base. The proposed date
26 shall be as soon as possible pursuant to section 39.2,
27 subsections 1, ~~and 2,~~ and 4, and section 47.6,
28 subsections 1 and 2, but not later than November 30 of
29 the calendar year prior to the calendar year in which
30 the reorganization will take effect.

31 Sec.____. Section 275.25, subsection 1, unnumbered
32 paragraph 1, Code 2005, is amended to read as follows:

33 If the proposition to establish a new school
34 district carries under the method provided in this
35 chapter, the area education agency administrator with
36 whom the petition was filed shall give written notice
37 of a proposed date for a special election for
38 directors of the newly formed school district to the
39 commissioner of elections of the county in the
40 district involved in the reorganization which has the
41 greatest taxable base. The proposed date shall be as
42 soon as possible pursuant to section 39.2, subsections
43 1, ~~and 2,~~ and 4, and section 47.6, subsections 1 and
44 2, but not later than the third Tuesday in January of
45 the calendar year in which the reorganization takes
46 effect. The election shall be conducted as provided
47 in section 277.3, and nomination petitions shall be
48 filed pursuant to section 277.4, except as otherwise
49 provided in this subsection. Nomination petitions
50 shall be filed with the secretary of the board of the

Page 2

1 existing school district in which the candidate
2 resides not less than twenty-eight days before the
3 date set for the special school election. The
4 secretary of the board, or the secretary's designee,
5 shall be present in the secretary's office until five
6 p.m. on the final day to file the nomination papers.
7 The nomination papers shall be delivered to the
8 commissioner no later than five p.m. on the twenty-
9 seventh day before the election.

10 Sec. __. Section 275.55, unnumbered paragraphs 1
11 and 2, Code 2005, are amended to read as follows:
12 The board of the school district shall call a
13 special election to be held ~~not later than forty days~~
14 following the date of the final hearing on the
15 dissolution proposal. The special election may be
16 held at the same time as the regular school election.
17 The proposition submitted to the voters residing in
18 the school district at the special election shall
19 describe each separate area to be attached to a
20 contiguous school district and shall name the school
21 district to which it will be attached. In addition to
22 the description, a map may be included in the summary
23 of the question on the ballot.

24 The board shall give written notice of the proposed
25 date of the election to the county commissioner of
26 elections. The proposed date shall be pursuant to
27 section 39.2, subsections 1, ~~and 2, and 4~~, and section
28 47.6, subsections 1 and 2. The county commissioner of
29 elections shall give notice of the election by one
30 publication in the same newspaper in which the
31 previous notice was published about the hearing, which
32 publication shall not be less than four nor more than
33 twenty days prior to the election.

34 Sec. __. Section 277.2, Code 2005, is amended to
35 read as follows:

36 277.2 SPECIAL ELECTION.

37 The board of directors in a school corporation may
38 call a special election, on the dates specified in
39 section 39.2, subsection 4, paragraph "c", at which
40 the voters shall have the powers exercised at the
41 regular election with reference to the sale of school
42 property and the application to be made of the
43 proceeds, the authorization of seven members on the
44 board of directors, the authorization to establish or
45 change the boundaries of director districts, and the
46 authorization of a voter-approved physical plant and
47 equipment levy or indebtedness, as provided by law."

48 6. Page 34, line 22, by inserting after the words
49 "submitted at" the following: "a special election or
50 at".

Page 3

- 1 7. Page 35, lines 8 and 9, by striking the words
- 2 "second Tuesday in March" and inserting the following:
- 3 "first special election date, pursuant to section
- 4 39.2, subsection 4, paragraph "a"".
- 5 8. Page 38, line 5, by striking the figure "39.2"
- 6 and inserting the following: "39.2, subsection 4,
- 7 paragraph "b"".
- 8 9. Page 38, line 29, by striking the figure
- 9 "39.2" and inserting the following: "39.2, subsection
- 10 4, paragraph "b"".
- 11 10. Page 40, by striking lines 9 through 11, and
- 12 inserting the following: "general election or at a
- 13 special election ~~held at any time other than the time~~
- 14 ~~of a city regular election~~. The election shall not be
- 15 held sooner than".
- 16 11. Page 41, by striking line 10.
- 17 12. By renumbering as necessary.

Jacobs of Polk offered amendment [H-1284](#), to amendment [H-1199](#), filed by her from the floor and requested division as follows:

[H-1284](#)

- 1 Amend the amendment, [H-1199](#), to [House File 793](#) as
- 2 follows:

[H-1284](#) A

- 3 1. By striking page 1, line 2, through page 3,
- 4 line 16, and inserting the following:
- 5 "___". By striking page 19, line 3, through page
- 6 41, line 12."

[H-1284](#) B

- 7 2. Page 3, by inserting before line 17, the
- 8 following:
- 9 "___". By striking page 41, line 13, through page
- 10 52, line 31."

[H-1284](#) A

- 11 3. Page 3, by inserting before line 17 the
- 12 following:
- 13 "___". Title page 2, lines 15 through 17, by
- 14 striking the words "limiting the dates of special
- 15 elections on public measures for certain political
- 16 subdivisions and school corporations,".

[H-1284](#) B

17 4. Page 3, by inserting before line 17, the
 18 following:
 19 "___ . Title page 2, lines 17 through 19, by
 20 striking the words "providing for the biennial
 21 election of directors of local school districts, area
 22 education agencies, and merged areas."
 23 ___ . Title page 2, by striking line 20 and
 24 inserting the following: "and applicability date
 25 provisions.""

26 5. By renumbering as necessary.

Jacobs of Polk moved the adoption of amendment [H-1284A](#) to amendment [H-1199](#).

Amendment [H-1284A](#) lost.

Jacobs of Polk moved the adoption of amendment [H-1284B](#) to amendment [H-1199](#).

A non-record roll call was requested.

The ayes were 51, nays 42.

Amendment [H-1284B](#) was adopted.

Jacobs of Polk moved the adoption of amendment [H-1199](#), as amended.

Amendment [H-1199](#), as amended, was adopted.

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

On the question "Shall the bill pass?" ([H.F. 793](#))

The ayes 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	

The nays were, 48:

Bell	Berry	Bukta	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

Absent or not voting, 1:

Cohoon

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 793](#) be immediately messaged to the Senate.

REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing an amendment the following correction was made:

House Amendment [H-1247](#) to [Senate File 246](#)

1. Page 3, line 27 – Change the word “minimal” to “criminal”.

MARGARET A. THOMSON
Chief Clerk of the House

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 31, 2005. Had I been present, I would have voted "aye" on [House File 776](#).

HUSER of Polk

BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31, 2005, he approved and transmitted to the Secretary of State the following bill:

[Senate File 71](#), an act 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 governmental units, and providing an effective date.

PRESENTATION OF VISITORS

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

Eight students from BGM Outstanding Students, Brooklyn, Iowa, accompanied by Kiwanis Members. By Carroll of Poweshiek and De Boef of Keokuk.

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\1024 Katie Brown, Spirit Lake – For being named to the Second Team Class 3A All State Basketball Team.

2005\1025 Kelsey Keizer, Milford – For being named to the First Team Class 2A All State Basketball Team.

- 2005\1026 Central Preschool, Charles City – For celebrating 55 years of service to Iowa’s children as the oldest licensed preschool in the State of Iowa.
- 2005\1027 Helen Van Zee, Oskaloosa – For celebrating her 80th birthday.
- 2005\1028 Opal Mae Bequeaith, Oskaloosa – For celebrating her 90th birthday.
- 2005\1029 Cleda Dugger, Oskaloosa – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENT

Senate File 370

Judiciary: Eichhorn, Chair; J. R. Van Fossen and Wessel-Kroeschell.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

House Study Bill 292

Ways and Means: Kurtenbach, Chair; Huser and Tymeson.

AMENDMENTS FILED

<u>H-1263</u>	<u>H.F. 765</u>	Watts of Dallas
<u>H-1266</u>	<u>H.F. 825</u>	Heaton of Henry
Foege of Linn		Kurtenbach of Story
Wildurdyke of Harrison		Granzow of Hardin
Smith of Marshall		Mascher of Johnson
Berry of Black Hawk		Upmeyer of Hancock
<u>H-1269</u>	<u>H.F. 724</u>	Kurtenbach of Story
		Carroll of Poweshiek
		Murphy of Dubuque
		Shoultz of Black Hawk
<u>H-1273</u>	<u>H.F. 820</u>	Ford of Polk
Smith of Marshall		Whitaker of Van Buren
Jochum of Dubuque		Winckler of Scott
Kressig of Black Hawk		Wessel-Kroeschell of Story
Lensing of Johnson		Mascher of Johnson
Davitt of Warren		Schueller of Jackson
Murphy of Dubuque		
<u>H-1274</u>	<u>H.F. 825</u>	Petersen of Polk
<u>H-1275</u>	<u>S.F. 206</u>	Rayhons of Hancock
<u>H-1276</u>	<u>H.F. 825</u>	Foege of Linn
<u>H-1277</u>	<u>H.F. 825</u>	Foege of Linn
<u>H-1278</u>	<u>H.F. 825</u>	Smith of Marshall

<u>H-1279</u>	<u>H.F. 825</u>	Foege of Linn Whitaker of Van Buren
<u>H-1280</u>	<u>H.F. 825</u>	Foege of Linn
<u>H-1281</u>	<u>H.F. 825</u>	Foege of Linn
<u>H-1282</u>	<u>S.F. 206</u>	Rayhons of Hancock
<u>H-1283</u>	<u>S.F. 206</u>	Rayhons of Hancock
<u>H-1285</u>	<u>H.F. 825</u>	Petersen of Polk Reichert of Muscatine
<u>H-1286</u>	<u>H.F. 811</u>	Hogg of Linn
<u>H-1287</u>	<u>H.F. 825</u>	Smith of Marshall Foege of Linn Mascher of Johnson
<u>H-1288</u>	<u>H.F. 825</u>	Dix of Butler Heaton of Henry

On motion by Gipp of Winneshiek the House adjourned at 6:03 p.m., until 1:00 p.m., Monday, April 4, 2005.