

PROOF

STATE OF IOWA

House Journal

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JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 19, 2005

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Cassie Lauterbach, a junior at Simpson College. She was the guest of Representative Ralph Watts from Dallas County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker pro tempore Carroll.

The Journal of Monday, April 18, 2005 was approved.

INTRODUCTION OF BILLS

[House File 863](#), by committee on ways and means, a bill for an act relating to property assessment by allowing the combining of protests of assessment on multiple parcels separately assessed and by providing for reimbursement of costs for certain appeals of the action of the local board of review and including an applicability date.

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

[House File 864](#), by committee on ways and means, a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions.

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

[House File 865](#), by committee on ways and means, a bill for an act relating to elected county officers' associations and to the county recorders' county land record information system project and providing an effective date.

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

[House File 866](#), by committee on ways and means, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times.

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

[House File 867](#), by committee on ways and means, a bill for an act relating to original jurisdiction over actions seeking declaratory judgments on constitutional nexus issues for sales or use tax purposes.

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

[House File 868](#), by committee on ways and means, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, and including effective date and retroactive applicability provisions.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 275](#), a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 310](#), a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 313](#), a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 398](#), a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 423](#), a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 607](#), a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

Also: That the Senate has on April 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 616](#), a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 685](#), a bill for an act establishing the child identification and protection Act, which prohibits the fingerprinting of children, and providing for exceptions.

Also: That the Senate has on April 18, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 739](#), a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, and the establishment of a research triangle and clearinghouse.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the Senate was asked:

[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.

Also: That the Senate has on April 18, 2005, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

[Senate File 325](#), a bill for an act relating to the procedures and duties of the judicial branch, and making an appropriation to the enhanced court collections fund.

Also: That the Senate has on April 18, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 340](#), a bill for an act relating to the local regulation of motor vehicles, including the renewal of motor vehicle registrations by county treasurers and the collection of delinquent parking fines owed to a city or county.

Also: That the Senate has on April 18, 2005, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 365](#), a bill for an act relating to the application deadline for certification of enterprise zones.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 403](#), a bill for an act providing for the receipt of and costs relating to public records requests.

Also: That the Senate has on April 18, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 404](#), a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

[House File 805](#), a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, was taken up for consideration.

Struyk of Pottawattamie offered amendment [H-1319](#) filed by him as follows:

[H-1319](#)

- 1 Amend [House File 805](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 OPEN FEEDLOT OPERATIONS
- 6 SUBCHAPTER I
- 7 GENERAL PROVISIONS
- 8 Section 1. **NEW SECTION.** 459A.101 TITLE.
- 9 This chapter shall be known and may be cited as the
- 10 "Animal Agriculture Compliance Act for Open Feedlot
- 11 Operations".

12 Sec. 2. NEW SECTION. 459A.102 DEFINITIONS.
13 1. "Alternative technology system" or "alternative
14 system" means a system for open feedlot effluent
15 control as provided in section 459A.303.
16 2. "Animal" means the same as defined in section
17 459.102.
18 3. "Animal feeding operation" means the same as
19 defined in section 459.102.
20 4. "Animal unit" means the same as defined in
21 section 459.102.
22 5. "Animal unit capacity" means a measurement used
23 to determine the maximum number of animal units that
24 may be maintained as part of an open feedlot
25 operation.
26 6. "A.S.T.M. international" means the American
27 society for testing and materials international.
28 7. "Commission" means the environmental protection
29 commission created pursuant to section 455A.6.
30 8. "Department" means the department of natural
31 resources.
32 9. "Document" means any form required to be
33 processed by the department under this chapter,
34 including but not limited to applications for permits
35 or related materials as provided in section 459A.205,
36 soils and hydrogeologic reports as provided in section
37 459A.206, construction certifications as provided in
38 section 459A.207, nutrient management plans as
39 provided in section 459A.208, and notices required
40 under this chapter.
41 10. "Nutrient management plan" or "plan" means a
42 plan which provides for the management of open feedlot
43 effluent, including the application of effluent as
44 provided in section 459A.208.
45 11. "Open feedlot" means a lot, yard, corral,
46 building, or other area used to house animals in
47 conjunction with an open feedlot operation.
48 12. "Open feedlot effluent" or "effluent" means a
49 combination of manure, precipitation-induced runoff,
50 or other runoff from an open feedlot before its

Page 2

1 settleable solids have been removed.
2 13. "Open feedlot operation" or "operation" means
3 an unroofed or partially roofed animal feeding
4 operation if crop, vegetation, or forage growth or
5 residue cover is not maintained as part of the animal
6 feeding operation during the period that animals are
7 confined in the animal feeding operation.
8 14. "Open feedlot operation structure" means an
9 open feedlot, settled open feedlot effluent basin, a
10 solids settling facility, or an alternative technology

11 system. "Open feedlot operation structure" does not
12 include a manure storage structure as defined in
13 section 459.102.

14 15. "Operating permit" means a permit which
15 regulates the operation of an open feedlot operation
16 as issued by the department or the United States
17 environmental protection agency, including as provided
18 in state law or pursuant to the federal Water
19 Pollution Control Act, Title 33, U.S.C., ch. 126, as
20 amended, and 40 C.F.R., pt. 124.

21 16. "Research college" means an accredited public
22 or private college or university, including but not
23 limited to a university under the control of the state
24 board of regents as provided in chapter 262, or a
25 community college under the jurisdiction of a board of
26 directors for a merged area as provided in chapter
27 260C, if the college or university performs research
28 or experimental activities regarding animal
29 agriculture or agronomy.

30 17. "Settled open feedlot effluent" or "settled
31 effluent" means a combination of manure,
32 precipitation-induced runoff, or other runoff
33 originating from an open feedlot after its settleable
34 solids have been removed.

35 18. "Settleable solids" or "solids" means that
36 portion of open feedlot effluent that meets all of the
37 following requirements:

- 38 a. The solids do not flow perceptibly under
39 pressure.
- 40 b. The solids are not capable of being transported
41 through a mechanical pumping device designed to move a
42 liquid.
- 43 c. The constituent molecules of the solids do not
44 flow freely among themselves but do show the tendency
45 to separate under stress.

46 19. "Settled open feedlot effluent basin" or
47 "basin" means an impoundment which is part of an open
48 feedlot operation, if the primary function of the
49 impoundment is to collect and store settled open
50 feedlot effluent.

Page 3

1 20. "Solids settling facility" means a basin,
2 terrace, diversion, or other structure or solids
3 removal method which is part of an open feedlot
4 operation and which is designed and operated to remove
5 settleable solids from open feedlot effluent. A
6 "solids settling facility" does not include a basin,
7 terrace, diversion, or other structure or solids
8 removal method which retains the liquid portion of
9 open feedlot effluent for more than seven consecutive

10 days following a precipitation event.

11 21. "Water of the state" means the same as defined
12 in section 455B.171.

13 22. "Waters of the United States" means the same
14 as defined in 40 C.F.R., pt. 122, } 2, as that section
15 exists on the effective date of this Act.

16 Sec. 3. NEW SECTION. 459A.103 SPECIAL TERMS.

17 For purposes of this chapter, all of the following
18 shall apply:

19 1. a. Two or more open feedlot operations under
20 common ownership or common management are deemed to be
21 a single open feedlot operation if they are adjacent
22 or utilize a common area or system for open feedlot
23 effluent disposal.

24 b. For purposes of determining whether two or more
25 open feedlot operations are adjacent, all of the
26 following shall apply:

27 (1) At least one open feedlot operation structure
28 must be constructed on or after July 17, 2002.

29 (2) An open feedlot operation structure which is
30 part of one open feedlot operation is separated by
31 less than one thousand two hundred fifty feet from an
32 open feedlot operation structure which is part of the
33 other open feedlot operation.

34 c. For purposes of determining whether two or more
35 open feedlot operations are under common ownership, a
36 person must hold an interest in each of the open
37 feedlot operations as any of the following:

38 (1) A sole proprietor.

39 (2) A joint tenant or tenant in common.

40 (3) A holder of a majority equity interest in a
41 business association as defined in section 202B.102,
42 including but not limited to as a shareholder,
43 partner, member, or beneficiary.

44 An interest in the open feedlot operation under
45 subparagraph (2) or (3) which is held directly or
46 indirectly by the person's spouse or dependent child
47 shall be attributed to the person.

48 d. For purposes of determining whether two or more
49 open feedlot operations are under common management, a
50 person must have significant control of the management

Page 4

1 of the day-to-day operations of each of the open
2 feedlot operations. Common management does not
3 include control over a contract livestock facility by
4 a contractor, as defined in section 202.1.

5 2. An open feedlot operation structure is
6 "constructed" when any of the following occurs:

7 a. Excavation commences for a proposed open
8 feedlot operation structure or proposed expansion of

- 9 an existing open feedlot operation structure.
- 10 b. Forms for concrete are installed for a proposed
11 open feedlot operation structure or the proposed
12 expansion of an existing open feedlot operation
13 structure.
- 14 c. Piping for the movement of open feedlot
15 effluent is installed within or between open feedlot
16 operation structures as proposed or proposed to be
17 expanded.
- 18 3. In calculating the animal unit capacity of an
19 open feedlot operation, the animal unit capacity shall
20 include the animal unit capacity of all open feedlots
21 which are part of the open feedlot operation, unless
22 an open feedlot has been abandoned as provided in this
23 section. The animal unit capacity of an open feedlot
24 operation shall not include the animal unit capacity
25 of any confinement feeding operation building as
26 defined in section 459.102, which is part of the open
27 feedlot operation.
- 28 4. An open feedlot operation structure is
29 abandoned if the open feedlot operation structure has
30 been razed, removed from the site of an open feedlot
31 operation, filled in with earth, or converted to uses
32 other than an open feedlot operation structure so that
33 it cannot be used as an open feedlot operation
34 structure without significant reconstruction.
- 35 5. All distances between locations or objects
36 provided in this chapter shall be measured in feet
37 from their closest points.
- 38 6. The regulation of open feedlot effluent shall
39 be construed as also regulating settled open feedlot
40 effluent and solids.
- 41 7. "Seasonal high-water table" means the seasonal
42 high-water table as determined by a professional
43 engineer pursuant to the following requirements:
- 44 a. The seasonal high-water table shall be
45 determined by evaluating soil profile characteristics
46 such as color and mottling from soil corings, soil
47 test pits, or other soil profile evaluation methods,
48 water level data from soil corings or other sources,
49 and other pertinent information.
- 50 b. If a drainage tile line to artificially lower

Page 5

- 1 the seasonal high-water table is installed as required
2 by this section, the level to which the seasonal high-
3 water table will be lowered will be the seasonal high-
4 water table.
- 5 Sec. 4. NEW SECTION. 459A.104 GENERAL AUTHORITY
6 – COMMISSION AND DEPARTMENT – PURPOSE – COMPLIANCE.
7 1. The commission shall establish by rule adopted

8 pursuant to chapter 17A, requirements relating to the
9 construction, including expansion, or operation of
10 open feedlot operations, including related open
11 feedlot operation structures.

12 2. Any provision referring generally to compliance
13 with the requirements of this chapter as applied to
14 open feedlot operations also includes compliance with
15 requirements in rules adopted by the commission
16 pursuant to this section, orders issued by the
17 department as authorized under this chapter, and the
18 terms and conditions applicable to licenses,
19 certifications, permits, or nutrient management plans
20 required under this chapter.

21 3. The purpose of this chapter is to provide
22 requirements relating to the construction, including
23 the expansion, and operation of open feedlot
24 operations, and the control of open feedlot effluent,
25 which shall be construed to supplement applicable
26 provisions of chapter 459. If there is a conflict
27 between the provisions of this chapter and chapter
28 459, the provisions of this chapter shall prevail.

29 Sec. 5. NEW SECTION. 459A.105 EXCEPTION TO
30 REGULATION.

31 1. Except as provided in subsection 2, the
32 requirements of this chapter which regulate open
33 feedlot operations, including rules adopted by the
34 department pursuant to section 459A.104, shall not
35 apply to research activities and experiments performed
36 under the authority and regulations of a research
37 college, if the research activities and experiments
38 relate to an open feedlot operation structure or the
39 disposal or treatment of effluent originating from an
40 open feedlot operation.

41 2. The requirements of section 459A.410, including
42 rules adopted by the department under that section,
43 apply to research activities and experiments performed
44 under the authority and regulations of a research
45 college.

46 SUBCHAPTER II
47 DOCUMENTATION

48 Sec. 6. NEW SECTION. 459A.201 DOCUMENT
49 PROCESSING REQUIREMENTS.

50 1. The department shall adopt and promulgate forms

Page 6

1 required to be completed in order to comply with this
2 chapter, including forms for documents that the
3 department shall make available on the internet in the
4 same manner as provided in section 459.302.

5 2. a. The department shall provide for procedures
6 for the receipt, filing, processing, and return of

7 documents in an electronic format in the same manner
8 as provided in section 459.302. The department shall
9 provide for authentication of the documents that may
10 include electronic signatures as provided in chapter
11 554D.

12 b. The department shall to every extent feasible
13 provide for the processing of documents required under
14 this subchapter using electronic systems in the same
15 manner as required in section 459.302.

16 3. a. The department shall approve or disapprove
17 an application for a construction permit as provided
18 in section 459A.205 within sixty days after receiving
19 the permit application. However, the applicant may
20 deliver a notice requesting a continuance. Upon
21 receipt of a notice, the time required for the
22 department to act upon the application shall be
23 suspended for the period provided in the notice, but
24 for not more than thirty days after the department's
25 receipt of the notice. The applicant may submit more
26 than one notice. However, the department may provide
27 that an application is terminated if no action is
28 required by the department for one year following
29 delivery of the application to the department. The
30 department may also provide for a continuance when it
31 considers the application. The department shall
32 provide notice to the applicant of the continuance.
33 The time required for the department to act upon the
34 application shall be suspended for the period provided
35 in the notice, but for not more than thirty days.
36 However, the department shall not provide for more
37 than one continuance.

38 b. A nutrient management plan as provided in
39 section 459A.208 shall be approved or disapproved as
40 part of a construction permit application pursuant to
41 section 459A.205. If the nutrient management plan is
42 not part of an application for a construction permit,
43 the nutrient management plan shall be approved or
44 disapproved within sixty days from the date that the
45 department receives the nutrient management plan.

46 Sec. 7. NEW SECTION. 459A.205 PERMIT
47 REQUIREMENTS – SETTLED OPEN FEEDLOT EFFLUENT BASINS
48 AND ALTERNATIVE TECHNOLOGY SYSTEMS.

49 1. The department shall approve or disapprove
50 applications for permits for the construction,

Page 7

1 including the expansion, of settled open feedlot
2 effluent basins and alternative technology systems, as
3 provided in this chapter. The department's decision
4 to approve or disapprove a permit for the construction
5 of a basin or alternative system shall be based on

6 whether the application is submitted according to
7 procedures and standards required by this chapter. A
8 person shall not begin construction of a basin or
9 alternative system requiring a permit under this
10 section, unless the department first approves the
11 person's application and issues to the person a
12 construction permit.

13 2. The department shall issue a construction
14 permit upon approval of an application. The
15 department shall approve the application regardless of
16 whether the applicant is required to be issued a
17 construction permit.

18 3. The department shall not approve an application
19 for a construction permit unless the applicant submits
20 all of the following:

21 a. A nutrient management plan as provided in
22 section 459A.208.

23 b. An engineering report, construction plans, or
24 specifications prepared by a licensed professional
25 engineer or the natural resources conservation service
26 of the United States department of agriculture
27 certifying that the construction of the settled open
28 feedlot effluent basin or alternative technology
29 system complies with the construction design standards
30 required in this chapter.

31 4. An open feedlot operation must be issued a
32 construction permit prior to any of the following:

33 a. The construction, including expansion, of a
34 settled open feedlot effluent basin or alternative
35 technology system if the open feedlot operation is
36 required to be issued an operating permit.

37 b. The department has previously issued the open
38 feedlot operation a construction permit and any of the
39 following applies:

40 (1) The animal unit capacity of the open feedlot
41 operation will be increased to more than the animal
42 unit capacity approved by the department in the
43 previous construction permit.

44 (2) The volume of open feedlot effluent stored at
45 the open feedlot operation would be more than the
46 volume approved by the department in the previous
47 construction permit.

48 (3) The open feedlot operation was discontinued
49 for twenty-four months or more and the animal unit
50 capacity would be one thousand animal units or more.

Page 8

1 5. Prior to submitting an application for a
2 construction permit the applicant may submit a
3 conceptual design and site investigation report to the
4 department for review and comment.

- 5 6. The application for the construction permit
6 shall include all of the following:
7 a. The name of the owner of the open feedlot
8 operation and the name of the open feedlot operation,
9 including a mailing address and telephone number for
10 the owner and the operation.
11 b. The name of the contact person for the open
12 feedlot operation, including the person's mailing
13 address and telephone number.
14 c. The location of the open feedlot operation.
15 d. A statement providing that the application is
16 for any of the following:
17 (1) The construction or expansion of a settled
18 open feedlot effluent basin or alternative technology
19 system for an existing open feedlot operation which is
20 not expanding.
21 (2) The construction or expansion of a settled
22 open feedlot effluent basin or alternative technology
23 system for an existing open feedlot operation which is
24 expanding.
25 (3) The construction of a settled open feedlot
26 effluent basin or alternative technology system for a
27 proposed new open feedlot operation.
28 e. The animal unit capacity for each animal
29 species in the open feedlot operation before and after
30 the proposed construction.
31 f. An engineering report, construction plans, and
32 specifications prepared by a licensed professional
33 engineer or by the United States natural resource
34 conservation service, for the settled open feedlot
35 operation effluent basin or alternative technology
36 system.
37 g. A soils and hydrogeologic report of the site,
38 as required in section 459A.206.
39 h. Information, including but not limited to maps,
40 drawings, and aerial photos that clearly show the
41 location of all of the following:
42 (1) The open feedlot operation and all existing
43 and proposed settled open feedlot effluent basins or
44 alternative technology systems, clean water
45 diversions, and other pertinent features or
46 structures.
47 (2) Any other open feedlot operation under common
48 ownership or common management and located within one
49 thousand two hundred fifty feet of the open feedlot
50 operation.

Page 9

- 1 (3) A public water supply system as defined in
2 section 455B.171 or a drinking water well which is
3 located within a distance from the operation as

4 prescribed by rules adopted by the department.

5 i. For an open feedlot operation implementing an
6 alternative technology system as provided in section
7 459A.303, the applicant shall submit all of the
8 following:

9 (1) Information showing that the proposed open
10 feedlot operation meets criteria for siting as
11 established by rules adopted by the department.
12 However, if the site does not meet the criteria, the
13 information shall show substantially equivalent
14 alternatives to meeting such criteria.

15 (2) The results of predictive computer modeling
16 for the proposed alternative technology system to
17 determine suitability of the proposed site for the
18 system and to predict performance of the alternative
19 technology system as compared to the use of a settled
20 open feedlot effluent basin.

21 (3) A conceptual design of the proposed
22 alternative technology system, as developed by a
23 licensed engineer.

24 7. a. Except as provided in paragraph "b", a
25 construction permit for an open feedlot operation
26 expires as follows:

27 (1) If construction does not begin within one year
28 after the date the construction permit is issued.

29 (2) If construction is not completed within three
30 years after the date the construction permit is
31 issued.

32 b. If requested, the department may grant an
33 extension of time to begin or complete construction
34 upon a showing of just cause by the construction
35 permit applicant.

36 8. The department may suspend or revoke a
37 construction permit, modify the terms or conditions of
38 a construction permit, or disapprove a request to
39 extend the time to begin or complete construction as
40 provided in this section, if it determines that the
41 operation of the open feedlot operation constitutes a
42 clear, present, and impending danger to public health
43 or the environment.

44 9. This section does not require a person to
45 obtain a permit to construct a settled open feedlot
46 effluent basin or alternative technology system if the
47 basin or system is part of an open feedlot operation
48 which is owned by a research college conducting
49 research activities as provided in section 459A.105.

50 Sec. 8. NEW SECTION. 459A.206 SETTLED OPEN

Page 10

1 FEEDLOT EFFLUENT BASINS – SOILS AND HYDROGEOLOGIC
2 REPORT.

3 A settled open feedlot effluent basin required to
4 be constructed pursuant to a construction permit
5 issued pursuant to section 459A.205 shall meet design
6 standards as required by a soils and hydrogeologic
7 report.

8 The report shall be submitted with the construction
9 permit application as provided in section 459A.205.

10 The report shall include all of the following:

11 1. A description of the steps to determine the
12 soils and hydrogeologic conditions at the proposed
13 construction site, a description of the geologic units
14 encountered, and a description of the effects of the
15 soil and groundwater elevation and direction of flow
16 on the construction and operation of the basin.

17 2. The subsurface soil classification of the site.
18 A subsurface soil classification shall be based on
19 A.S.T.M international designation D-2487-92 or D-
20 2488-90.

21 3. The results of at least three soil corings
22 reflecting the continuous soil profile taken for each
23 basin. The soil corings shall be taken and used in
24 determining subsurface soil characteristics and
25 groundwater elevation and direction of flow of the
26 proposed site for construction. The soil corings
27 shall be taken as follows:

28 a. By a qualified person ordinarily engaged in the
29 practice of taking soil cores and in performing soil
30 testing.

31 b. At locations that reflect the continuous soil
32 profile conditions existing within the area of the
33 proposed basin, including conditions found near the
34 corners and the deepest point of the proposed basin.
35 The soil corings shall be taken to a minimum depth of
36 ten feet below the bottom elevation of the basin.

37 c. By a method such as hollow stem auger or other
38 method that identifies the continuous soil profile and
39 does not result in the mixing of soil layers.

40 Sec. 9. NEW SECTION. 459A.207 CONSTRUCTION
41 CERTIFICATION.

42 1. The owner of an open feedlot operation who is
43 issued a construction permit for a settled open
44 feedlot effluent basin as provided in section 459A.205
45 after the effective date of this Act shall submit to
46 the department a construction certification from a
47 licensed professional engineer certifying all of the
48 following:

49 a. The basin was constructed in accordance with
50 the design plans submitted to the department as part

Page 11

1 of an application for a construction permit pursuant

2 to section 459A.205. If the actual construction
3 deviates from the approved design plans, the
4 construction certification shall identify all changes
5 and certify that the changes were consistent with all
6 applicable standards of this section.

7 b. The basin was inspected by the licensed
8 professional engineer after completion of construction
9 and before commencement of operation.

10 2. A written record of an investigation for tile
11 lines, including the findings of the investigation and
12 actions taken to comply with subchapter III, shall be
13 submitted as part of the construction certification.

14 Sec. 10. NEW SECTION. 459A.208 NUTRIENT
15 MANAGEMENT PLAN – REQUIREMENTS.

16 1. The owner of an open feedlot operation which
17 has an animal unit capacity of one thousand animal
18 units or more or which is required to be issued an
19 operating permit shall develop and maintain a nutrient
20 management plan meeting the requirements of this
21 section by December 31, 2006.

22 2. Not more than one open feedlot operation shall
23 be covered by a single nutrient management plan.

24 3. A person shall not remove open feedlot effluent
25 from an open feedlot operation structure which is part
26 of an open feedlot operation for which a nutrient
27 management plan is required under this section, unless
28 the department approves a nutrient management plan as
29 required in this section. The department may adopt
30 rules allowing a person to remove open feedlot
31 effluent from an open feedlot operation structure
32 until the nutrient management plan is approved or
33 disapproved by the department according to terms and
34 conditions required by rules adopted by the
35 department.

36 4. The department shall not approve an application
37 for a permit to construct a settled open feedlot
38 effluent basin unless the owner of the open feedlot
39 operation applying for approval submits a nutrient
40 management plan together with the application for the
41 construction permit as provided in section 459A.205.
42 The owner shall also submit proof that the owner has
43 published a notice for public comment as provided in
44 this section. The department shall approve or
45 disapprove the nutrient management plan as provided in
46 section 459A.201. A nutrient management plan using an
47 alternative technology system shall not include
48 requirements for settled effluent that enters the
49 alternative technology system.

50 5. Prior to approving or disapproving a nutrient

Page 12

1 management plan as required in this section, the
2 department may receive comments exclusively to
3 determine whether the nutrient management plan is
4 submitted according to procedures required by the
5 department and that the nutrient management plan
6 complies with the provisions of this chapter.

7 a. The owner of the open feedlot operation shall
8 publish a notice for public comment in a newspaper
9 having a general circulation in the county where the
10 open feedlot operation is or is proposed to be located
11 and in the county where open feedlot effluent, which
12 originates from the open feedlot operation, may be
13 applied under the terms and conditions of the nutrient
14 management plan.

15 b. The notice for public comment shall include all
16 of the following:

17 (1) The name of the owner of the open feedlot
18 operation submitting the nutrient management plan.

19 (2) The name of the township where the open
20 feedlot operation is or is proposed to be located and
21 the name of the township where open feedlot effluent
22 originating from the open feedlot operation may be
23 applied.

24 (3) The animal unit capacity of the open feedlot
25 operation.

26 (4) The time when and the place where the nutrient
27 management plan may be examined as provided in section
28 22.2.

29 (5) Procedures for providing public comment to the
30 department. The notice shall also include procedures
31 for requesting a public hearing conducted by the
32 department. The department is not required to conduct
33 a public hearing if it does not receive a request for
34 the public hearing within ten days after the first
35 publication of the notice for public comment as
36 provided in this subsection. If such a request is
37 received, the public hearing must be conducted within
38 thirty days after the first date that the notice for
39 public comment was published.

40 (6) A statement that a person may acquire
41 information relevant to making comments under this
42 subsection by accessing the department's internet
43 website. The notice for public comment shall include
44 the address of the department's internet website as
45 required by the department.

46 c. The department shall maintain an internet
47 website where persons may access information relevant
48 to making comments under this subsection. The
49 department may include an electronic version of the
50 nutrient management plan as provided in section

Page 13

1 459A.201. The department shall include information
2 regarding the time when, the place where, and the
3 manner in which persons may participate in a public
4 hearing as provided in this subsection.

5 6. A nutrient management plan must be
6 authenticated by the owner of the animal feeding
7 operation as required by the department in accordance
8 with section 459A.201.

9 7. A nutrient management plan shall include all of
10 the following:

11 a. Restrictions on the application of open feedlot
12 effluent based on all of the following:

13 (1) Calculations necessary to determine the land
14 area required for the application of open feedlot
15 effluent from an open feedlot operation based on
16 nitrogen use levels in order to obtain optimum crop
17 yields according to a crop schedule specified in the
18 nutrient management plan, and according to
19 requirements adopted by the department.

20 (2) A phosphorus index established pursuant to
21 section 459.312.

22 b. Information relating to the application of the
23 open feedlot effluent, including all of the following:

24 (1) Nutrient levels of the open feedlot effluent.

25 (2) Application methods, the timing of the
26 application, and the location of the land where the
27 application occurs.

28 c. If the application is on land other than land
29 owned or rented for crop production by the owner of
30 the open feedlot operation, the plan shall include a
31 copy of each written agreement executed by the owner
32 of the open feedlot operation and the landowner or the
33 person renting the land for crop production where the
34 open feedlot effluent may be applied.

35 d. An estimate of the open feedlot effluent volume
36 or weight produced by the open feedlot operation.

37 e. Information which shows all of the following:

38 (1) There is adequate storage for open feedlot
39 effluent, including procedures to ensure proper
40 operation and maintenance of the storage structures.

41 (2) The proper management of animal mortalities to
42 ensure that animals are not disposed of in an open
43 feedlot operation structure or a treatment system that
44 is not specifically designed to treat animal
45 mortalities.

46 (3) Surface drainage prior to contact with an open
47 feedlot structure is diverted, as appropriate, from
48 the open feedlot operation.

49 (4) Animals kept in the open feedlot operation do
50 not have direct contact with any waters of the United

Page 14

1 States.

2 (5) Chemicals or other contaminants handled on-
3 site are not disposed of in an open feedlot operation
4 structure or a treatment system that is not
5 specifically designed to treat such chemicals or
6 contaminants.

7 8. If an open feedlot operation uses an
8 alternative technology system as provided in section
9 459A.303, the nutrient management plan is not required
10 to provide for settled effluent that enters the
11 alternative technology system.

12 9. The owner of an open feedlot operation who is
13 required to develop and maintain a nutrient management
14 plan shall maintain a current nutrient management plan
15 and maintain records sufficient to demonstrate
16 compliance with the nutrient management plan. Chapter
17 22 shall not apply to the records which shall be kept
18 confidential by the department and its agents and
19 employees. The contents of the records are not
20 subject to disclosure except as follows:

21 a. Upon waiver by the owner of the open feedlot
22 operation.

23 b. In a contested case proceeding commenced under
24 chapter 17A. Notwithstanding section 17A.19, the
25 proceeding shall be closed.

26 c. When required by subpoena or court order.

27 10. The owner of an open feedlot operation who is
28 found in violation of the terms and conditions of the
29 nutrient management plan shall not be subject to an
30 enforcement action other than the assessment of a
31 civil penalty pursuant to section 459A.502.

32 SUBCHAPTER III

33 DESIGN STANDARDS AND CONSTRUCTION REQUIREMENTS

34 Sec. 11. NEW SECTION. 459A.301 SETTLED OPEN 35 FEEDLOT EFFLUENT BASINS – CONSTRUCTION DESIGN 36 STANDARDS – RULES.

37 If the department requires that a settled open
38 feedlot effluent basin be constructed according to
39 construction design standards, regardless of whether
40 the department requires the owner to be issued a
41 construction permit under section 459A.205, any
42 construction design standards for the basin shall be
43 established by rules as provided in chapter 17A that
44 exclusively account for special design characteristics
45 of open feedlot operations and related basins,
46 including but not limited to the dilute composition of
47 settled open feedlot effluent as collected and stored
48 in the basins.

49 Sec. 12. NEW SECTION. 459A.302 SETTLED OPEN 50 FEEDLOT EFFLUENT BASINS – CONSTRUCTION REQUIREMENTS.

Page 15

1 A settled open feedlot effluent basin required to
2 be constructed pursuant to a construction permit
3 issued pursuant to section 459A.205 shall meet all of
4 the following requirements:

5 1. a. Prior to constructing a settled open
6 feedlot effluent basin, the site for the basin shall
7 be investigated for a drainage tile line by the owner
8 of the open feedlot operation. The investigation
9 shall be made by digging a core trench to a depth of
10 at least six feet deep from ground level at the
11 projected center of the berm of the basin. If a
12 drainage tile line is discovered, one of the following
13 solutions shall be implemented:

14 (1) The drainage tile line shall be rerouted
15 around the perimeter of the basin at a distance of
16 least twenty-five feet horizontally separated from the
17 basin.

18 (2) The drainage tile line shall be replaced with
19 a nonperforated tile line under the basin floor. The
20 nonperforated tile line shall not be a drainage tile
21 line. There must be a minimum of three feet between
22 the tile line and the basin floor.

23 b. A written record of the investigation shall be
24 submitted as part of the construction certification
25 required under section 459A.207.

26 2. a. The settled open feedlot effluent basin
27 shall be constructed with a minimum separation of two
28 feet between the top of the liner of the basin and the
29 seasonal high-water table.

30 b. If a drainage tile line around the perimeter of
31 the basin is installed a minimum of two feet below the
32 top of the basin liner to artificially lower the
33 seasonal high-water table, the top of the basin's
34 liner may be a maximum of four feet below the seasonal
35 high-water table. The seasonal high-water table may
36 be artificially lowered by gravity flow tile lines, a
37 nongravity mechanical system that uses pumping
38 equipment, or other similar system.

39 3. Drainage tile may be installed to artificially
40 lower the seasonal high-water table at a settled open
41 feedlot effluent basin, if all of the following
42 conditions are satisfied:

43 a. A device to allow monitoring of the water in
44 the drainage tile lines and a device to allow shutoff
45 of the flow in the drainage tile lines are installed,
46 if the drainage tile lines do not have a surface
47 outlet accessible on the property where the settled
48 open feedlot effluent basin is located.

49 b. Drainage tile lines are installed horizontally
50 at least twenty-five feet away from the settled open

Page 16

1 feedlot effluent basin. Drainage tile lines shall be
2 placed in a vertical trench and encased in granular
3 material which extends upward to the level of the
4 seasonal high-water table.

5 4. A settled open feedlot effluent basin shall be
6 constructed with at least four feet between the bottom
7 of the basin and a bedrock formation.

8 5. A settled open feedlot effluent basin
9 constructed on a floodplain or within a floodway of a
10 river or stream shall comply with rules of the
11 department.

12 6. The liner of a settled open feedlot effluent
13 basin shall comply with all of the following:

14 a. The liner shall comply with any of the
15 following permeability standards:

16 (1) The liner shall be constructed to have a
17 percolation rate that shall not exceed one-sixteenth
18 inch per day at the design depth of the basin as
19 determined by percolation tests conducted by the
20 professional engineer. If a clay soil liner is used,
21 the liner shall be constructed with a minimum
22 thickness of twelve inches or the minimum thickness
23 necessary to comply with the percolation rate in this
24 section, whichever is greater.

25 (2) The liner shall be constructed at optimum
26 moisture content not less than ninety-five percent of
27 the maximum density as determined by a standard five-
28 point proctor test performed at the site of the open
29 feedlot operation by a professional engineer. If a
30 clay soil liner is used, the liner shall be

31 constructed with a minimum thickness of twelve inches.
32 b. If a synthetic liner is used, the liner shall
33 be installed to comply with the percolation rate
34 required in this section.

35 7. The owner of an open feedlot operation using a
36 settled open feedlot effluent basin shall inspect the
37 berms of the basin at least semiannually for evidence
38 of erosion. If the inspection reveals erosion which
39 may impact the basin's structural stability or the
40 integrity of the basin's liner, the owner shall repair
41 the berms.

42 Sec. 13. NEW SECTION. 459A.303 ALTERNATIVE
43 TECHNOLOGY SYSTEMS.

44 In lieu of using a settled open feedlot effluent
45 basin as provided in section 459A.302 to meet the open
46 feedlot effluent control requirements of section
47 459A.401, an open feedlot operation may use an
48 alternative technology system for open feedlot
49 effluent control that provides an equivalent level of
50 open feedlot effluent control that would be achieved

Page 17

1 by using a settled open feedlot effluent basin. The
2 department shall adopt rules establishing requirements
3 for the construction and operation of alternative
4 technology systems. The owner of the open feedlot
5 operation shall only use an alternative technology
6 system which includes the installation of a water
7 pollution monitoring system. The owner shall operate
8 the water pollution monitoring system for two years
9 after its installation. After that date, if the
10 monitoring demonstrates compliance with the
11 requirement of this section, the owner may discontinue
12 monitoring. If the monitoring does not demonstrate
13 compliance with the requirement of this section, the
14 department may require an additional monitoring
15 period.

16 SUBCHAPTER IV

17 OPEN FEEDLOT EFFLUENT CONTROL

18 Sec. 14. NEW SECTION. 459A.401 OPEN FEEDLOT
19 EFFLUENT CONTROL METHODS.

20 An open feedlot operation shall provide for the
21 management of open feedlot effluent by using an open
22 feedlot effluent control method as follows:

23 1. All settleable solids from open feedlot
24 effluent shall be removed prior to discharge into the
25 waters of the state.

26 a. The settleable solids shall be removed by use
27 of a solids settling facility. The construction of a
28 solids settling facility is not required where
29 existing site conditions provide for removal of
30 settleable solids prior to discharge into the waters
31 of the state.

32 b. The removal of settleable solids shall be
33 deemed to have occurred when the velocity of flow of
34 the open feedlot effluent has been reduced to less
35 than point five feet per second for a minimum of five
36 minutes. A solids settling facility shall have
37 sufficient capacity to store settled solids between
38 periods of land application and to provide required
39 flow-velocity reduction for open feedlot effluent flow
40 volumes resulting from a precipitation event of less
41 intensity than a ten-year, one-hour frequency event.
42 A solids settling facility which receives open feedlot
43 effluent shall provide a minimum of one square foot of
44 surface area for each eight cubic feet of open feedlot
45 effluent per hour resulting from a ten-year, one-hour
46 frequency precipitation event.

47 2. The following shall apply to an open feedlot
48 operation which has an animal unit capacity of one
49 thousand animal units or more:

50 a. Except as provided in this paragraph, the open

Page 18

1 feedlot operation shall not discharge open feedlot
2 effluent from an open feedlot operation structure into
3 any waters of the United States. An open feedlot
4 operation may discharge open feedlot effluent into any
5 waters of the United States due to a precipitation
6 event, if any of the following apply:

7 (1) For an open feedlot operation that houses
8 cattle, other than veal cattle, the operation is
9 designed, constructed, operated, and maintained to not
10 discharge open feedlot effluent resulting from a
11 twenty-five-year, twenty-four-hour precipitation event
12 into any waters of the United States.

13 (2) For an open feedlot operation that houses veal
14 calves, swine, chickens, or turkeys, the operation is
15 designed, constructed, operated, and maintained to not
16 discharge open feedlot effluent resulting from a one-
17 hundred-year, twenty-four-hour precipitation event
18 into any waters of the United States.

19 b. If the open feedlot operation is designed,
20 constructed, and operated in accordance with the
21 requirements of an open feedlot effluent control
22 system as provided in rules adopted by the department,
23 the operation shall be deemed to be in compliance with
24 this section, unless a discharge from the operation
25 causes a violation of state water quality standards as
26 provided in chapter 455B, division III.

27 c. The open feedlot operation shall not be
28 required to be issued an operating permit if the
29 operation does not discharge open feedlot effluent
30 into any waters of the United States.

31 d. The control of open feedlot effluent
32 originating from the open feedlot operation may be
33 accomplished by the use of a solids settling facility,
34 settled open feedlot effluent basin, alternative
35 technology system, or any other open feedlot effluent
36 control structure or practice approved by the
37 department. The department may require the diversion
38 of surface drainage prior to contact with an open
39 feedlot operation structure. Solids shall be settled
40 from open feedlot effluent before the effluent enters
41 a settled open feedlot effluent basin or alternative
42 technology system.

43 Sec. 15. NEW SECTION. 459A.402 OPEN FEEDLOT
44 EFFLUENT CONTROL – ALTERNATIVE CONTROL PRACTICES.

45 If because of topography or other factors related
46 to the site of an open feedlot operation it is
47 economically or physically impractical to comply with
48 open feedlot effluent control requirements using an
49 open feedlot control method in section 459A.401, the
50 department shall allow the use of other open feedlot

Page 19

1 effluent control practices if those practices will
2 provide an equivalent level of open feedlot effluent
3 control that would be achieved by using an open
4 feedlot effluent control method pursuant to section
5 459A.401.

6 Sec. 16. NEW SECTION. 459A.410 EFFLUENT
7 APPLICATION REQUIREMENTS.

8 Open feedlot effluent shall be applied in a manner
9 which does not cause surface water or groundwater
10 pollution. Application in accordance with the
11 provisions of state law, including this chapter, rules
12 adopted pursuant to the provisions of state law,
13 including this chapter, and guidelines adopted
14 pursuant to this chapter, shall be deemed as
15 compliance with this section.

16 Sec. 17. NEW SECTION. 459A.411 DISCONTINUANCE OF
17 OPERATIONS.

18 The owner of an open feedlot operation who
19 discontinues the use of the operation shall remove all
20 open feedlot effluent from related open feedlot
21 operation structures used to store open feedlot
22 effluent, as soon as practical but not later than six
23 months following the date the open feedlot operation
24 is discontinued.

25 SUBCHAPTER V
26 ENFORCEMENT

27 Sec. 18. NEW SECTION. 459A.501 GENERAL.

28 The department and the attorney general shall
29 enforce the provisions of this chapter in the same
30 manner as provided in chapter 455B, division I, unless
31 otherwise provided in this chapter.

32 Sec. 19. NEW SECTION. 459A.502 VIOLATIONS –
33 CIVIL PENALTY.

34 A person who violates this chapter shall be subject
35 to a civil penalty which shall be established,
36 assessed, and collected in the same manner as provided
37 in section 455B.191. Any civil penalty collected and
38 interest on a civil penalty shall be deposited in the
39 animal agriculture compliance fund created in section
40 459.401. A person shall not be subject to a penalty
41 under this section and a penalty under section 459.603
42 for the same violation.

43 DIVISION II
44 CONFORMING AMENDMENTS

45 Sec. 20. Section 455B.103, subsections 3 and 4,
46 Code 2005, are amended to read as follows:

47 3. Contract, with the approval of the commission,
48 with public agencies of this state to provide all
49 laboratory, scientific field measurement and
50 environmental quality evaluation services necessary to

Page 20

1 implement the provisions of this chapter, ~~and~~ chapter
2 459, ~~subchapters II and III and chapter 459A~~. If the
3 director finds that public agencies of this state
4 cannot provide the laboratory, scientific field
5 measurement and environmental evaluation services
6 required by the department, the director may contract,
7 with the approval of the commission, with any other
8 public or private persons or agencies for such
9 services or for scientific or technical services
10 required to carry out the programs and services
11 assigned to the department.

12 4. Conduct investigations of complaints received
13 directly or referred by the commission created in
14 section 455A.6 or other investigations deemed
15 necessary. While conducting an investigation, the
16 director may enter at any reasonable time in and upon
17 any private or public property to investigate any
18 actual or possible violation of this chapter, ~~or~~
19 chapter 459, ~~subchapters II and III, chapter 459A~~, or
20 the rules or standards adopted under this chapter, ~~or~~
21 chapter 459, ~~subchapters II and III or chapter 459A~~.
22 However, the owner or person in charge shall be
23 notified.

24 Sec. 21. Section 455B.103A, subsection 1,
25 unnumbered paragraph 1, Code 2005, is amended to read
26 as follows:

27 If a permit is required pursuant to this chapter,
28 ~~or chapter 459, or chapter 459A~~ for stormwater
29 discharge or an air contaminant source and a facility
30 to be permitted is representative of a class of
31 facilities which could be described and conditioned by
32 a single permit, the director may issue, modify, deny,
33 or revoke a general permit for all of the following
34 conditions:

35 Sec. 22. Section 455B.103A, subsection 5, Code
36 2005, is amended to read as follows:

37 5. The enforcement provisions of division II of
38 this chapter and chapter 459, subchapter II, apply to
39 general permits for air contaminant sources. The
40 enforcement provisions of division III, part 1, of
41 this chapter, ~~and~~ chapter 459, subchapter III, and
42 chapter 459A apply to general permits for stormwater
43 discharge.

44 Sec. 23. Section 455B.105, subsections 3, 6, and
45 8, Code 2005, are amended to read as follows:

46 3. Adopt, modify, or repeal rules necessary to
47 implement this chapter, ~~and~~ chapter 459, and chapter
48 459A, and the rules deemed necessary for the effective
49 administration of the department. When the commission
50 proposes or adopts rules to implement a specific

Page 21

1 federal environmental program and the rules impose
2 requirements more restrictive than the federal program
3 being implemented requires, the commission shall
4 identify in its notice of intended action or adopted
5 rule preamble each rule that is more restrictive than
6 the federal program requires and shall state the
7 reasons for proposing or adopting the more restrictive
8 requirement. In addition, the commission shall
9 include with its reasoning a financial impact
10 statement detailing the general impact upon the
11 affected parties. It is the intent of the general
12 assembly that the commission exercise strict oversight
13 of the operations of the department. The rules shall
14 include departmental policy relating to the disclosure
15 of information on a violation or alleged violation of
16 the rules, standards, permits or orders issued by the
17 department and keeping of confidential information
18 obtained by the department in the administration and
19 enforcement of this chapter, ~~and~~ chapter 459, and
20 chapter 459A. Rules adopted by the executive
21 committee before January 1, 1981, shall remain
22 effective until modified or rescinded by action of the
23 commission.

24 6. Approve all contracts and agreements under this
25 chapter, ~~and~~ chapter 459, and chapter 459A between the
26 department and other public or private persons or
27 agencies.

28 8. Hold public hearings, except when the evidence
29 to be received is confidential pursuant to this
30 chapter, chapter 22, ~~or~~ chapter 459, or chapter 459A,
31 necessary to carry out its powers and duties. The
32 commission may issue subpoenas requiring the
33 attendance of witnesses and the production of evidence
34 pertinent to the hearings. A subpoena shall be issued
35 and enforced in the same manner as provided in civil
36 actions.

37 Sec. 24. Section 455B.105, subsection 11,
38 paragraph a, unnumbered paragraph 1, Code 2005, is
39 amended to read as follows:
40 Adopt, by rule, procedures and forms necessary to
41 implement the provisions of this chapter, ~~and~~ chapter
42 459, and chapter 459A relating to permits, conditional
43 permits, and general permits. The commission may also
44 adopt, by rule, a schedule of fees for permit and
45 conditional permit applications and a schedule of fees
46 which may be periodically assessed for administration
47 of permits and conditional permits. In determining
48 the fee schedules, the commission shall consider:
49 Sec. 25. Section 455B.109, subsection 4, Code
50 2005, is amended to read as follows:

Page 22

1 4. a. ~~All~~ Except as provided in paragraph "b",
2 civil penalties assessed by the department and
3 interest on the penalties shall be deposited in the
4 general fund of the state. However, civil

5 b. The following provisions shall apply to animal
6 feeding operations:

7 (1) Civil penalties assessed by the department and
8 interest on the civil penalties, arising out of
9 violations involving animal feeding operations under
10 chapter 459, subchapter II, shall be deposited in the
11 animal agriculture compliance fund as created in
12 section 459.401.

13 (2) Civil penalties assessed by the department and
14 interest on the penalties arising out of violations
15 committed by animal feeding operations under chapter
16 459, subchapter III, which may be assessed pursuant to
17 section 455B.191 or 459.604, shall also be deposited
18 in the animal agriculture compliance fund.

19 (3) Civil penalties assessed by the department and
20 interest on the civil penalties, arising out of
21 violations involving open feedlot operations under
22 chapter 459A, shall be deposited in the animal
23 agriculture compliance fund as created in section
24 459.401.

25 Sec. 26. Section 455B.111, subsection 1,
26 paragraphs a and b, Code 2005, are amended to read as
27 follows:

28 a. A person, including the state of Iowa, for
29 violating any provision of this chapter; ~~or~~ chapter
30 459, subchapters I, II, III, IV, and VI; ~~chapter~~
31 ~~459A~~; or a rule adopted pursuant to this chapter; ~~or~~
32 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~
33 ~~chapter 459A~~.

34 b. The director, the commission, or any official
35 or employee of the department where there is an
36 alleged failure to perform any act or duty under this
37 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
38 and VI; ~~chapter 459A~~; or a rule adopted pursuant to
39 this chapter; ~~or~~ chapter 459, subchapters I, II, III,
40 IV, and VI; ~~or~~ ~~chapter 459A~~, which is not a
41 discretionary act or duty.

42 Sec. 27. Section 455B.111, subsection 5, Code
43 2005, is amended to read as follows:

44 5. This section does not restrict any right under
45 statutory or common law of a person or class of person
46 to seek enforcement of provisions of this chapter; ~~or~~
47 chapter 459, subchapters I, II, III, IV, and VI; ~~or~~
48 ~~chapter 459A~~; or a rule adopted pursuant to this
49 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
50 and VI; ~~or~~ ~~chapter 459A~~, or seek other relief

Page 23

1 permitted under the law.

2 Sec. 28. Section 455B.112, Code 2005, is amended
3 to read as follows:

4 455B.112 ACTIONS BY ATTORNEY GENERAL.

5 In addition to the duty to commence legal
6 proceedings at the request of the director or
7 commission under this chapter; ~~or~~ chapter 459,
8 subchapters I, II, III, IV, and VI; or chapter 459A
9 the attorney general may institute civil or criminal
10 proceedings, including an action for injunction, to
11 enforce the provisions of this chapter; ~~or~~ chapter
12 459, subchapters I, II, III, IV, and VI; or chapter
13 459A including orders or permits issued or rules
14 adopted under this chapter; ~~or~~ chapter 459,
15 subchapters I, II, III, IV, and VI; or chapter 459A.

16 Sec. 29. Section 455B.113, subsection 1, Code
17 2005, is amended to read as follows:

18 1. The director shall certify laboratories which
19 perform laboratory analyses of samples required to be
20 submitted by the department by this chapter; ~~or~~
21 chapter 459, subchapters I, II, III, IV, and VI; or
22 chapter 459A, or by rules adopted in accordance with
23 this chapter; ~~or~~ chapter 459, subchapters I, II, III,
24 IV, and VI; or chapter 459A; or by permits or orders
25 issued under this chapter; ~~or~~ chapter 459, subchapters
26 I, II, III, IV, and VI; or chapter 459A.

27 Sec. 30. Section 455B.115, Code 2005, is amended
28 to read as follows:

29 455B.115 ANALYSIS BY CERTIFIED LABORATORY
30 REQUIRED.

31 Laboratory analysis of samples as required by this
32 chapter; ~~or~~ chapter 459, subchapters I, II, III, IV,
33 and VI; or chapter 459A; or by rules adopted, or by
34 permits or orders issued pursuant to this chapter; ~~or~~
35 chapter 459, subchapters I, II, III, IV, and VI; or
36 chapter 459A shall be conducted by a laboratory
37 certified by the director as having the necessary
38 competence, equipment, and capabilities to perform the
39 analysis. Analytical results from laboratories not
40 certificated shall not be accepted by the director.

41 Sec. 31. Section 455B.179, Code 2005, is amended
42 to read as follows:

43 455B.179 TRADE SECRETS PROTECTED.

44 Upon a satisfactory showing by any person to the
45 director that public disclosure of any record, report,
46 permit, permit application, or other document or
47 information or part thereof would divulge methods or
48 processes entitled to protection as a trade secret,
49 any such record, report, permit, permit application,
50 or other document or part thereof other than effluent

Page 24

1 data and analytical results of monitoring of public
2 water supply systems, shall be accorded confidential
3 treatment. Notwithstanding the provisions of chapter
4 22, a person in connection with duties or employment
5 by the department shall not make public any
6 information accorded confidential status; however, any
7 such record or other information accorded confidential
8 status may be disclosed or transmitted to other
9 officers, employees, or authorized representatives of
10 this state or the United States concerned with
11 carrying out this part of this division; ~~or~~ chapter
12 459, subchapter III, or chapter 459A; or when relevant
13 in any proceeding under this part of this division; ~~or~~
14 chapter 459, subchapter III; or chapter 459A.

15 Sec. 32. Section 455B.182, Code 2005, is amended
16 to read as follows:

17 455B.182 FAILURE CONSTITUTES CONTEMPT.

18 Failure to obey any order issued by the department
19 with reference to a violation of this part of this
20 division; ~~or~~ chapter 459, subchapter III; or chapter
21 459A; or any rule promulgated or permit issued
22 pursuant thereto shall constitute prima facie evidence
23 of contempt. In such event the department may certify
24 to the district court of the county in which such
25 alleged disobedience occurred the fact of such
26 failure. The district court after notice, as
27 prescribed by the court, to the parties in interest
28 shall then proceed to hear the matter and if it finds
29 that the order was lawful and reasonable it shall
30 order the party to comply with the order. If the
31 person fails to comply with the court order, that
32 person shall be guilty of contempt and shall be fined
33 not to exceed five hundred dollars for each day that
34 the person fails to comply with the court order. The
35 penalties provided in this section shall be considered
36 as additional to any penalty which may be imposed
37 under the law relative to nuisances or any other
38 statute relating to the pollution of any waters of the
39 state or related to public water supply systems and a
40 conviction under this section shall not be a bar to
41 prosecution under any other penal statute.

42 Sec. 33. Section 455B.185, Code 2005, is amended
43 to read as follows:

44 455B.185 DATA FROM DEPARTMENTS.

45 The commission and the director may request and
46 receive from any department, division, board, bureau,
47 commission, public body, or agency of the state, or of
48 any political subdivision thereof, or from any
49 organization, incorporated or unincorporated, which
50 has for its object the control or use of any of the

Page 25

1 water resources of the state, such assistance and data
 2 as will enable the commission or the director to
 3 properly carry out their activities and effectuate the
 4 purposes of this part 1 of division III; ~~and~~ chapter
 5 459, subchapter III; ~~or~~ chapter 459A. The department
 6 shall reimburse such agencies for special expense
 7 resulting from expenditures not normally a part of the
 8 operating expenses of any such agency.

9 Sec. 34. Section 459.102, subsection 2, paragraph
 10 a, Code 2005, is amended to read as follows:

11 a. A settled open feedlot effluent basin ~~that~~
 12 ~~collects and stores only precipitation-induced runoff~~
 13 ~~from an open feedlot as defined in section 459A.102.~~

14 Sec. 35. Section 459.102, subsections 37, 45, and
 15 46, Code 2005, are amended by striking the
 16 subsections.

17 Sec. 36. Section 459.401, subsection 2, paragraph
 18 a, subparagraph (5), Code 2005, is amended to read as
 19 follows:

20 (5) The collection of civil penalties assessed by
 21 the department and interest on civil penalties,
 22 arising out of violations involving animal feeding
 23 operations as provided in sections 459.602, ~~and~~
 24 459.603, ~~and~~ 459A.502.

25 Sec. 37. Section 459.309, Code 2005, is repealed."

Struyk of Pottawattamie offered the following amendment [H-1363](#), to amendment [H-1319](#), filed by him and moved its adoption:

[H-1363](#)

1 Amend the amendment, [H-1319](#), to [House File 805](#), as
 2 follows:

- 3 1. Page 1, line 26, by striking the word
- 4 "A.S.T.M." and inserting the following: "ASTM".
- 5 2. Page 4, by striking lines 20 through 24, and
- 6 inserting the following: "not include the animal unit
- 7 capacity".
- 8 3. Page 7, line 23, by striking the words "plans,
- 9 or" and inserting the following: "plans, and".
- 10 4. Page 9, line 45, by striking the word "obtain"
- 11 and inserting the following: "be issued".
- 12 5. Page 10, line 19, by striking the word
- 13 "A.S.T.M" and inserting the following: "ASTM".
- 14 6. Page 11, line 10, by inserting before the word
- 15 "tile" the following: "drainage".
- 16 7. Page 11, line 19, by striking the word
- 17 "maintain" and inserting the following: "implement".
- 18 8. Page 14, line 13, by striking the word

19 "maintain" and inserting the following: "implement".
20 9. Page 14, by striking lines 16 through 31, and
21 inserting the following: "compliance with the
22 nutrient management plan."
23 10. Page 15, line 22, by inserting before the
24 word "tile" the following: "nonperforated".
25 11. Page 15, line 39, by inserting after the word
26 "tile" the following: "lines".
27 12. By striking page 16, line 49, through page
28 17, line 1, and inserting the following: "effluent
29 control."
30 1. The alternative technology system must provide
31 an equivalent level of open feedlot effluent control
32 as would be achieved by using a settled open feedlot
33 effluent basin.
34 2. The".
35 13. Page 17, by striking line 4, and inserting
36 the following: "technology systems."
37 3. The owner of the open feedlot".
38 14. Page 17, by striking lines 9 through 12, and
39 inserting the following: "after its installation. If
40 the department requires the owner of the open feedlot
41 operation to be issued an operating permit, the owner
42 shall continue to record amounts of settled open
43 feedlot effluent exiting the alternative technology
44 system after the expiration of the two-year period
45 pursuant to the terms and conditions of the operating
46 permit. If the monitoring does not demonstrate".
47 15. By striking page 17, line 47, through page 18
48 line 3, and inserting the following:
49 "2. This subsection shall apply to an open feedlot
50 operation which is required to be issued an operating

Page 2

1 permit.
2 a. An open feedlot".
3 16. Page 18, by inserting after line 26, the
4 following:
5 "3. The following shall apply to an open feedlot
6 operation which has an animal unit capacity of one
7 thousand animal units or more:
8 a. (1) The open feedlot operation shall not
9 discharge open feedlot effluent from an open feedlot
10 operation structure into any waters of the United
11 States, unless the discharge is pursuant to an
12 operating permit."
13 17. Page 18, line 27, by striking the word "c."
14 and inserting the following: "(2)".
15 18. Page 18, line 31, by striking the word "d."
16 and inserting the following: "b."
17 19. By renumbering as necessary.

Amendment [H-1363](#) was adopted.

Struyk of Pottawattamie offered amendment [H-1381](#), to amendment [H-1319](#), filed by him as follows:

[H-1381](#)

1 Amend the amendment, [H-1319](#), to [House File 805](#), as
2 follows:

3 1. Page 25, by inserting after line 25, the
4 following:

5 "DIVISION III
6 AGRICULTURAL PRODUCTION LIENS
7 Sec. __. Section 579A.2, subsection 3, paragraph
8 b, Code 2005, is amended to read as follows:
9 b. The lien terminates one year after the cattle
10 have left the custom cattle feedlot. ~~Section 554.9515~~
11 ~~shall not apply to a financing statement perfecting~~
12 ~~the lien.~~ The lien may be terminated by the custom
13 cattle feedlot operator who files a termination
14 statement as provided in chapter 554, article 9.
15 Sec. __. Section 579B.4, subsection 1, paragraph
16 b, Code 2005, is amended to read as follows:
17 b. For a lien arising out of producing a crop, the
18 lien becomes effective the day that the crop is first
19 planted. In order to perfect the lien, the contract
20 producer must file a financing statement in the office
21 of the secretary of state as provided in section
22 554.9308. The contract producer must file a financing
23 statement for the crop within forty-five days after
24 the crop is first planted. The lien terminates one
25 year after the crop is no longer under the authority
26 of the contract producer. For purposes of this
27 section, a crop is no longer under the authority of
28 the contract producer when the crop or a warehouse
29 receipt issued by a warehouse operator licensed under
30 chapter 203C for grain from the crop is no longer
31 under the custody or control of the contract producer.
32 ~~Section 554.9515 shall not apply to a financing~~
33 ~~statement perfecting the lien.~~ The lien may be
34 terminated by the contract producer who files a
35 termination statement as provided in chapter 554,
36 article 9."

37 2. Title page, line 1, by inserting after the
38 words "relating to" the following: "agricultural
39 production including".

40 3. Title page, line 2, by inserting after the
41 word "operations," the following: "and agricultural
42 production liens,".

43 4. By renumbering as necessary.

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-1381](#) to amendment [H-1319](#) be deferred.

Jacobs of Polk asked and received unanimous consent that [House File 805](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1319](#), as amended, pending)

SENATE AMENDMENT CONSIDERED

Tymeson of Madison called up for consideration [House File 742](#), a bill for an act relating to the Iowa early intervention block grant program by changing the reporting requirements, extending the repeal of the chapter establishing the program, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1373](#):

[H-1373](#)

- 1 Amend [House File 742](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 19, by striking the figure "1999"
- 4 and inserting the following: "2001".

The motion prevailed and the House concurred in the Senate amendment [H-1373](#).

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

On the question "Shall the bill pass?" ([H.F. 742](#))

The ayes were, 97:

| | | | |
|----------|----------|-----------|---------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| 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 | 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 | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. |
| Wendt | Wessel-Kroeschell | Whitaker | Whitead |
| Wilderdye | Winckler | Wise | Zirkelbach |
| Carroll, Presiding | | | |

The nays were, none.

Absent or not voting, 3:

| | | |
|--------|---------|-------|
| Jochum | Tomenga | Watts |
|--------|---------|-------|

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 742](#) be immediately messaged to the Senate.

[Senate File 370](#), a bill for an act relating to the duration of a no-contact order in a criminal case, with report of committee recommending passage, was taken up for consideration.

Eichhorn of Hamilton 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. 370](#))

The ayes were, 97:

| | | | |
|----------|----------|----------|---------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| 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 | 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 | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. |
| Wendt | Wessel-Kroeschell | Whitaker | Whitead |
| Wilderdyke | Winckler | Wise | Zirkelbach |
| Carroll, Presiding | | | |

The nays were, none.

Absent or not voting, 3:

Jochum Tomenga Watts

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 370](#) be immediately messaged to the Senate.

Ways and Means Calendar

[House File 844](#), a bill for an act relating to the exemption of sales and use taxes on the purchase of coins, currency or bullion, was taken up for consideration.

Hogg of Linn offered amendment [H-1396](#) filed by him from the floor, as follows:

H-1396

1 Amend [House File 844](#) as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. CHILD AND FAMILY SERVICES.
 5 1. There is appropriated from the general fund of
 6 the state to the department of human services for the
 7 fiscal year beginning July 1, 2005, and ending June
 8 30, 2006, the following amount, or so much thereof as
 9 is necessary, to be used for the purpose designated:
 10 For child and family services:
 11 \$ 300,000
 12 The amount appropriated in this section shall be
 13 used for distribution of competitive grants for the
 14 provision of public education and outreach to reduce
 15 the incidence of sexual abuse and exploitation of
 16 children and sexual crimes against children. To
 17 receive a grant under this section, a grantee must
 18 demonstrate successful collaboration with a child
 19 abuse prevention council or a community partnership
 20 for protecting children."
 21 2. Title page, by striking lines 1 and 2, and
 22 inserting the following: "An Act making an
 23 appropriation for child abuse prevention education."

Boal of Polk rose on a point of order that amendment [H-1396](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1396](#) not germane.

Hogg of Linn asked for unanimous consent to suspend the rules to consider amendment [H-1396](#).

Objection was raised.

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

On the question "Shall the bill pass?" ([H.F. 844](#))

The ayes were, 57:

| | | | |
|-------|----------|---------|---------|
| Alons | Arnold | Baudler | Bell |
| Boal | Chambers | Cohoon | De Boef |

| | | | |
|-----------------------|------------------|------------------|------------------|
| Dix | Dolecheck | Eichhorn | Elgin |
| Freeman | Gipp | Granzow | Greiner |
| Heaton | Hoffman | Horbach | Huseman |
| Huser | Hutter | Jacobs | Jenkins |
| Jones | Kaufmann | Kurtenbach | Lalk |
| Lukan | Lykam | Maddox | May |
| Mertz | Olson, R. | Olson, S. | Paulsen |
| Quirk | Raecker | Rants, Spkr. | Rasmussen |
| Rayhons | Roberts | Sands | Schickel |
| Soderberg | Struyk | Tjepkes | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. |
| Watts | Wilderdyke | Winckler | Wise |
| Carroll, Presiding | | | |

The nays were, 41:

| | | | |
|------------|-------------------|------------|-----------|
| Anderson | Berry | Bukta | Dandekar |
| Davitt | Drake | Fallon | Foege |
| Ford | Frevert | Gaskill | Heddens |
| Hogg | Hunter | Jacoby | Kressig |
| Kuhn | Lensing | Mascher | McCarthy |
| Miller | Murphy | Oldson | Olson, D. |
| Petersen | Pettengill | Reasoner | Reichert |
| Schueller | Shomshor | Shoultz | Smith |
| Swaim | Taylor, D. | Taylor, T. | Thomas |
| Wendt | Wessel-Kroeschell | Whitaker | Whitead |
| Zirkelbach | | | |

Absent or not voting, 2:

| | |
|--------|---------|
| Jochum | Tomenga |
|--------|---------|

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

[HOUSE FILE 56](#) WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw [House File 56](#) from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 844](#) be immediately messaged to the Senate.

Unfinished Business Calendar

The House resumed consideration of **House File 805**, a bill for an act relating to animal feeding operations, by providing for the regulation of open feedlot operations, and providing for penalties, previously deferred. (Amendment [H-1319](#), as amended, pending)

Struyk of Pottawattamie offered the following amendment [H-1381](#), to amendment [H-1319](#), previously deferred, found on page 1294 of the House Journal, filed by him and moved its adoption:

Amendment [H-1381](#) was adopted.

On motion by Struyk of Pottawattamie, amendment [H-1319](#), as amended, was adopted.

Struyk of Pottawattamie 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. 805](#))

The ayes were, 78:

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

The nays were, 21:

| | | | |
|------------|----------|-------------------|------------|
| Berry | Fallon | Heddens | Hogg |
| Hunter | Jacoby | Jochum | Kressig |
| Lensing | Mascher | Oldson | Olson, D. |
| Olson, R. | Petersen | Shoultz | Taylor, D. |
| Taylor, T. | Wendt | Wessel-Kroeschell | Whitead |
| Winckler | | | |

Absent or not voting, 1:

Tomenga

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 805](#) be immediately messaged to the Senate.

Ways and Means Calendar

[House File 853](#), a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision, was taken up for consideration.

Hogg of Linn offered the following amendment [H-1402](#) filed by him from the floor and moved its adoption:

[H-1402](#)

- 1 Amend [House File 853](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION.** 422.11K SCHOOL
- 5 CHARITABLE ORGANIZATION TAX CREDIT.
- 6 1. The taxes imposed under this division less the
- 7 credits allowed under sections 422.12 and 422.12B
- 8 shall be reduced by a school charitable organization
- 9 tax credit equal to twenty-five percent of the amount
- 10 of voluntary cash contributions made by the taxpayer
- 11 during the tax year to a school charitable
- 12 organization, not to exceed either of the following:
- 13 a. Two thousand five hundred dollars for a single
- 14 individual.

15 b. Five thousand dollars for a married couple.
16 2. The taxpayer shall not be entitled to the
17 credit unless the credit is preapproved by the
18 department as provided in subsection 4.
19 3. To be eligible for this credit, all of the
20 following shall apply:
21 a. A deduction pursuant to section 170 of the
22 Internal Revenue Code for any amount of the
23 contribution is not taken for state tax purposes.
24 b. The contribution does not designate that any
25 part of the contribution be used for the direct
26 benefit of any dependent of the taxpayer or any other
27 child designated by the taxpayer.
28 4. To receive the tax credit, the taxpayer shall
29 apply for the credit to the department by January 31
30 following the end of the calendar year in which a
31 contribution was made. If the taxpayer and school
32 charitable organization qualify, the department shall
33 approve the application for credit and so notify the
34 taxpayer by April 1 following receipt of the
35 application. However, the department of revenue shall
36 only grant approval under this section for a total of
37 five million dollars in credits in the fiscal year
38 beginning July 1, 2006, and for a total of ten million
39 dollars in credits in the fiscal years beginning on or
40 after July 1, 2007. Once the qualified applications
41 total more than five million dollars or ten million
42 dollars, as applicable, in credits, the department
43 shall award the approved credits on the basis of the
44 date of application for credit and the remaining
45 approved credits shall be awarded in the subsequent
46 fiscal year. The department shall notify the taxpayer
47 of the year for which the credit is approved. The
48 department shall prepare application forms which may
49 be made available to charitable organizations that may
50 qualify as school charitable organizations.

Page 2

1 5. Any credit in excess of the tax liability is
2 not refundable but the excess for the tax year may be
3 credited to the tax liability for the following five
4 tax years or until depleted, whichever is the earlier.
5 6. Married taxpayers who file separate returns or
6 file separately on a combined return form must
7 determine the tax credit under subsection 1, paragraph
8 "b", based upon their combined net income and allocate
9 the total credit amount to each spouse in the
10 proportion that each spouse's respective net income
11 bears to the total combined net income. Nonresidents
12 or part-year residents of Iowa must determine their
13 tax credit in the ratio of their Iowa source net

14 income to their all source net income. Nonresidents
15 or part-year residents who are married and elect to
16 file separate returns or to file separately on a
17 combined return form must allocate the tax credit
18 between the spouses in the ratio of each spouse's Iowa
19 source net income to the combined Iowa source net
20 income of the taxpayers.

21 7. For purposes of this section:

22 a. "Qualified school" means a public or private
23 nonprofit preschool, as defined in section 237A.1,
24 located in this state or a public or nonpublic
25 elementary or secondary school in this state which is
26 accredited under section 256.11 and adheres to the
27 provisions of the federal Civil Rights Act of 1964 and
28 chapter 216. A qualified school shall not
29 discriminate on the basis of race, creed, color,
30 national origin, sex, age, or disability.

31 b. (1) "School charitable organization" means a
32 charitable organization in this state that is exempt
33 from federal taxation under section 501(c)(3) of the
34 Internal Revenue Code, whose governing board consists
35 of, but is not limited to, parents, teachers, and
36 members of the general public, and that allocates at
37 least ninety percent of its annual revenue for
38 educational expenses, scholarships, or tuition grants
39 to children to allow them to attend any qualified
40 school of their parents' choice.

41 (2) A school charitable organization shall not
42 discriminate on the basis of race, creed, color,
43 national origin, sex, age, or disability. A school
44 charitable organization shall only award educational
45 expense payments, scholarships, and tuition grants to
46 children who reside in Iowa. In addition, to qualify
47 as a school charitable organization, the charitable
48 organization shall only provide educational expense
49 payments, scholarships, or tuition grants to children
50 from families whose incomes are less than two hundred

Page 3

1 percent of the federal poverty level, as defined by
2 the most recently revised income guidelines published
3 by the United States department of health and human
4 services.

5 8. A school charitable organization that receives
6 a voluntary cash contribution pursuant to this section
7 shall report to the department, on a form prescribed
8 by the department, by February 28 of each year all of
9 the following information:

10 a. The name, address, and contact name of the
11 school charitable organization.

12 b. The total number of contributions received

13 during the previous calendar year.
 14 c. The total dollar amount of contributions
 15 received during the previous calendar year.
 16 d. The total number of children awarded
 17 educational expense payments, scholarships, or tuition
 18 grants during the previous calendar year.
 19 e. The total dollar amount of educational expense
 20 payments, scholarships, and tuition grants awarded
 21 during the previous calendar year.
 22 f. For each school to which educational expense
 23 payments, scholarships, or tuition grants were awarded
 24 all of the following shall be provided:
 25 (1) The name and address of the school.
 26 (2) The number of educational expense payments,
 27 scholarships, and tuition grants awarded during the
 28 previous calendar year.
 29 (3) The total dollar amount of educational expense
 30 payments, scholarships, and tuition grants awarded
 31 during the previous calendar year.
 32 9. The department shall annually file a report
 33 with the chairpersons and ranking members of the
 34 senate and house committees on ways and means
 35 detailing a compilation of the information received
 36 from the reports of all school charitable
 37 organizations filed pursuant to the requirements of
 38 subsection 8.
 39 Sec. 2. APPLICABILITY DATE. This Act applies to
 40 tax years beginning on or after January 1, 2006, but
 41 before January 1, 2014."

Roll call was requested by Murphy of Dubuque and Hogg of Linn.

Rule 75 was invoked.

On the question "Shall amendment [H-1402](#) be adopted?" ([H.F. 853](#))

The ayes were, 49:

| | | | |
|------------|----------|------------|-------------------|
| Anderson | Arnold | Bell | Berry |
| Bukta | Cphoon | Dandekar | Davitt |
| Fallon | Foege | Ford | Frevert |
| Gaskill | Heddens | Hogg | Huser |
| Jacoby | Jochum | Kressig | Kuhn |
| Lensing | Lykam | McCarthy | Mertz |
| Miller | Murphy | Oldson | Olson, D. |
| Olson, R. | Petersen | Pettengill | Quirk |
| Reasoner | Reichert | Schueller | Shomshor |
| Shoultz | Smith | Swaim | Taylor, D. |
| Taylor, T. | Thomas | Wendt | Wessel-Kroeschell |

Whitaker Whitead Winckler Wise
Zirkelbach

The nays were, 50:

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

Absent or not voting, 1:

Tomenga

Amendment [H-1402](#) lost.

Roberts of Carroll in the chair at 10:35 a.m.

Speaker pro tempore Carroll in the chair at 10:46 a.m.

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

On the question "Shall the bill pass?" ([H.F. 853](#))

The ayes were, 57:

| | | | |
|--------------|-----------|----------|-----------|
| Alons | Anderson | Arnold | Baudler |
| Boal | Chambers | Dandekar | De Boef |
| Dix | Dolecheck | Drake | Eichhorn |
| Elgin | Freeman | Gipp | Greiner |
| Heaton | Hoffman | Horbach | Huseman |
| Hutter | Jacobs | Jones | Kaufmann |
| Kurtenbach | Lalk | Lukan | Lykam |
| Maddox | May | McCarthy | Mertz |
| Olson, S. | Paulsen | Quirk | Raecker |
| Rants, Spkr. | Rasmussen | Rayhons | Reasoner |
| Roberts | Sands | Schickel | Schueller |

| | | | |
|-----------------------|------------------|---------|------------------|
| Shomshor | Soderberg | Struyk | Thomas |
| Tjepkes | Tymeson | Upmeyer | Van Engelenhoven |
| Van Fossen, J.K. | Van Fossen, J.R. | Watts | Wilderdyke |
| Carroll, Presiding | | | |

The nays were, 42:

| | | | |
|-------------------|------------|------------|----------|
| Bell | Berry | Bukta | Cphoon |
| Davitt | Fallon | Foege | Ford |
| Frevert | Gaskill | Granzow | Heddens |
| Hogg | Hunter | Huser | Jacoby |
| Jenkins | Jochum | Kressig | Kuhn |
| Lensing | Mascher | Miller | Murphy |
| Oldson | Olson, D. | Olson, R. | Petersen |
| Pettengill | Reichert | Shoultz | Smith |
| Swaim | Taylor, D. | Taylor, T. | Wendt |
| Wessel-Kroeschell | Whitaker | Whitead | Winckler |
| Wise | Zirkelbach | | |

Absent or not voting and 1:

Tomenga

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 402](#), a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

MICHAEL E. MARSHALL, Secretary

[HOUSE FILE 320](#) WITHDRAWN

Boal of Polk asked and received unanimous consent to withdraw [House File 320](#) from further consideration by the House.

SENATE MESSAGES CONSIDERED

[Senate File 403](#), by committee on government oversight, a bill for an act providing for the receipt of and costs relating to public records requests.

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

[Senate File 404](#), by committee on ways and means, a bill for an act providing for county eligibility for state payment of property tax relief moneys and allowed growth funding for mental health, mental retardation, and developmental disabilities services and providing effective and retroactive applicability dates.

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 853](#) be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 10:59 a.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:07 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

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

ADOPTION OF [HOUSE RESOLUTION 21](#)

Arnold of Lucas called up for consideration [House Resolution 21](#), a resolution relating to Iowa's contribution to a hydrogen-powered economy, and moved its adoption.

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILLS
Unfinished Business Calendar

House File 837, a bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 837](#))

The ayes were, 97:

| | | | |
|-----------------------|-------------------|------------------|--------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Chambers | Cohoon | Dandekar | Davitt |
| De Boef | Dix | Dolecheck | Drake |
| Elgin | Fallon | Foege | Ford |
| 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. | 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 | Tymeson | Upmeyer |
| Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. | Watts |
| Wendt | Wessel-Kroeschell | Whitaker | Whitead |
| Wilderdyke | Winckler | Wise | Zirkelbach |
| Carroll, Presiding | | | |

The nays were, 2:

| | |
|----------|-------|
| Eichhorn | Huser |
|----------|-------|

Absent or not voting, 1:

Tomenga

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

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 770](#), a bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1205](#):

[H-1205](#)

1 Amend [House File 770](#), as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 4 the
4 following:
5 "Sec. ___. Section 10A.104, subsection 15, Code
6 2005, is amended by striking the subsection."
7 2. Page 2, by inserting after line 7 the
8 following:
9 "Sec. ___. Section 147.88, Code 2005, is amended
10 to read as follows:
11 147.88 INSPECTIONS.
12 The department of inspections and appeals may
13 perform inspections as required by this subtitle,
14 except for the board of medical examiners, ~~the~~ board
15 of pharmacy examiners, ~~the~~ board of nursing, ~~and~~ the
16 board of dental examiners, ~~the board of barber~~
17 ~~examiners, and the board of cosmetology arts and~~
18 ~~sciences examiners~~. The department of inspections and
19 appeals shall employ personnel related to the
20 inspection functions.
21 Sec. ___. Section 157.7, unnumbered paragraph 1,
22 Code 2005, is amended to read as follows:
23 The department of ~~inspections and appeals~~ shall
24 employ personnel pursuant to chapter 8A, subchapter
25 IV, to perform duties related to inspection functions
26 under this chapter. The department of ~~inspections and~~
27 ~~appeals~~ shall, when possible, integrate inspection
28 efforts under this chapter with inspections conducted
29 under chapter 158.
30 Sec. ___. Section 158.6, unnumbered paragraph 1,

31 Code 2005, is amended to read as follows:

32 The department of ~~inspections and appeals~~ shall
 33 employ personnel pursuant to chapter 8A, subchapter
 34 IV, to perform duties related to inspection functions
 35 under this chapter. The department of ~~inspections and~~
 36 ~~appeals~~ shall, when possible, integrate inspection
 37 efforts under this chapter with inspections conducted
 38 under chapter 157."

39 3. Page 2, lines 21 and 22, by striking the words
 40 and figures "under section 137F.2, Code 2005,".

41 4. Page 2, line 32, by inserting after the figure
 42 "137F," the following: "157, 158,".

43 5. Page 3, line 12, by inserting after the figure
 44 "137F," the following: "157, 158,".

45 6. Page 3, line 17, by inserting after the figure
 46 "137F," the following: "157, 158,".

47 7. Page 3, by inserting after line 19 the
 48 following:

49 "Sec. ___. REVIEW OF FEES. The Iowa department of
 50 public health may perform a review of the license and

Page 2

1 examination fees charged by the department under
 2 chapters 137C, 137D, 137F, 157, 158, and 196."

3 8. Page 3, line 22, by inserting after the figure
 4 "137F," the following: "157, 158,".

5 9. Title page, by striking line 3 and inserting
 6 the following: "establishments, Iowa food code,
 7 regulation of egg handlers, and inspection of
 8 cosmetology and barbering licensees".

The motion prevailed and the House concurred in the Senate
 amendment [H-1205](#).

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

On the question "Shall the bill pass?" ([H.F. 770](#))

The ayes were, 93:

| | | | |
|----------|----------|-----------|---------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| 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 |
| Huseman | Hutter | Jacobs | Jacoby |
| Jenkins | Jochum | Jones | Kaufmann |
| Kressig | Kuhn | Kurtenbach | Lalk |
| Lensing | Lukan | Lykam | Maddox |
| Mascher | May | Mertz | Miller |
| Murphy | Olson, D. | Olson, S. | Paulsen |
| 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 | Tymeson | Upmeyer |
| Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. | Watts |
| Wendt | Wessel-Kroeschell | Whitaker | Whitead |
| Wilderdye | Winckler | Wise | Zirkelbach |
| Carroll, Presiding | | | |

The nays were, 6:

| | | | |
|-----------|----------|----------|--------|
| Hunter | Huser | McCarthy | Oldson |
| Olson, R. | Petersen | | |

Absent or not voting 1:

Tomenga

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

SPECIAL PRESENTATION

Arnold of Lucas introduced to the House the North Mahaska Red Hawks Basketball Team.

The House rose and expressed its welcome.

SENATE AMENDMENT CONSIDERED

Swaim of Davis called up for consideration [House File 777](#), a bill for an act relating to testing a person who assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1374](#):

[H-1374](#)

1 Amend [House File 777](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by inserting after line 5 the
 4 following:
 5 "5. For purposes of this section, "potentially
 6 infected person" includes a care provider as defined
 7 in section 139A.2."

The motion prevailed and the House concurred in the Senate amendment [H-1374](#).

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

On the question "Shall the bill pass?" ([H.F. 777](#))

The ayes were, 99:

| | | | |
|------------------|--------------|------------------|-------------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Watts | Wendt | Wessel-Kroeschell |
| Whitaker | Whitead | Wilderdyke | Winckler |
| Wise | Zirkelbach | Carroll, | |
| | | Presiding | |

The nays were, none.

Absent or not voting, 1:

Tomenga

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

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 585](#), a bill for an act relating to assisted living programs, providing for a fee and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1370](#):

[H-1370](#)

- 1 Amend [House File 585](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 11, by striking lines 24 and 25, and
- 4 inserting the following:
- 5 "d. A person, other than a person authorized to
- 6 prescribe prescription drugs under state and federal
- 7 law, shall not alter the prescription of a tenant."
- 8 2. Page 12, by inserting after line 22, the
- 9 following:
- 10 "Sec. ___. EFFECTIVE DATE. This Act, being deemed
- 11 of immediate importance, takes effect upon enactment."
- 12 3. Title page, by striking line 2, and inserting
- 13 the following: "providing penalties, and providing an
- 14 effective date."
- 15 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1370](#).

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

On the question "Shall the bill pass?" ([H.F. 585](#))

The ayes were, 99:

| | | | |
|----------|----------|----------|---------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shoultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Watts | Wendt | Wessel-Kroeschell |
| Whitaker | Whitead | Wilderdyke | Winckler |
| Wise | Zirkelbach | Carroll, Presiding | |

The nays were, none.

Absent or not voting, 1:

Tomenga

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

SENATE MESSAGE CONSIDERED

[Senate File 402](#), by committee on ways and means, a bill for an act relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

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

SENATE AMENDMENT CONSIDERED

Roberts of Carroll called up for consideration [House File 789](#), a bill for an act relating to programs and functions under the purview of the Iowa department of public health, amended by the Senate, and

moved that the House concur in the following Senate amendment [H-1385](#):

[H-1385](#)

- 1 Amend [House File 789](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by inserting after the word
- 4 "injury." the following: "For the purposes of this
- 5 section, the designation of lead agency authorizes the
- 6 department to perform or oversee the performance of
- 7 those functions specified in subsection 6, paragraphs
- 8 "a" through "c."
- 9 2. Page 13, line 34, by striking the word "known"
- 10 and inserting the following: "disclosed".
- 11 3. By renumbering, relettering, or redesignating
- 12 and correcting internal references as necessary.

Dolecheck of Ringgold in the chair at 1:39 p.m.

The motion prevailed and the House concurred in the Senate amendment [H-1385](#).

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

On the question "Shall the bill pass?" ([H.F. 789](#))

The ayes were, 98:

| | | | |
|------------|-----------|------------|-----------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cohoon | Dandekar |
| Davitt | De Boef | Dix | 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shoultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Wendt | Wessel-Kroeschell | Whitaker |
| Whitead | Wilderdyke | Winckler | Wise |
| Zirkelbach | Dolecheck, Presiding | | |

The nays were, none.

Absent or not voting, 2:

Tomenga Watts

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

INTRODUCTION OF BILL

[House File 869](#), by committee on ways and means, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 585, 770, 777, 789 and 837**.

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 587](#), a bill for an act relating to adult day services regulation and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1376](#):

[H-1376](#)

- 1 Amend [House File 587](#), as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 11, by striking lines 19 and 20, and
 4 inserting the following:
 5 "d. A person, other than a person authorized to
 6 prescribe prescription drugs under state and federal
 7 law, shall not alter the prescription of a
 8 participant."
 9 2. Page 15, by inserting after line 22, the
 10 following:
 11 "Sec. __. EFFECTIVE DATE. This Act, being deemed
 12 of immediate importance, takes effect upon enactment."
 13 3. Title page, lines 1 and 2, by striking the
 14 words "and providing penalties" and inserting the
 15 following: ", providing penalties, and providing an
 16 effective date".
 17 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1376](#).

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

On the question "Shall the bill pass?" ([H.F. 587](#))

The ayes were, 99:

| | | | |
|------------|--------------|------------|-----------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cohoon | Dandekar |
| Davitt | De Boef | Dix | 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shoultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |

| | | | |
|------------------|------------|-------------------------|-------------------|
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Watts | Wendt | Wessel-Kroeschell |
| Whitaker | Whitead | Wilderdyke | Winckler |
| Wise | Zirkelbach | Dolecheck, Presiding | |

The nays were, none.

Absent or not voting, 1:

Tomenga

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

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration [House File 617](#), a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1377](#):

[H-1377](#)

- 1 Amend [House File 617](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "department" the following: ", in consultation with
- 5 assisted living services providers,".

The motion prevailed and the House concurred in the Senate amendment [H-1377](#).

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

On the question "Shall the bill pass?" ([H.F. 617](#))

The ayes were, 99:

| | | | |
|---------|----------|--------|----------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cohoon | Dandekar |

| | | | |
|------------------|--------------|-------------------------|-------------------|
| Davitt | De Boef | Dix | 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shoultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Watts | Wendt | Wessel-Kroeschell |
| Whitaker | Whitead | Wilderdyke | Winckler |
| Wise | Zirkelbach | Dolecheck, Presiding | |

The nays were, none.

Absent or not voting, 1:

Tomenga

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

SENATE AMENDMENT CONSIDERED

Upmeyer of Hancock called up for consideration [House File 710](#), a bill for an act relating to the regulation of elder group homes and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1378](#):

[H-1378](#)

- 1 Amend [House File 710](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 5, line 31, by inserting after the word
- 4 "marshal." the following: "The rules adopted for the
- 5 special classification by the state fire marshal
- 6 regarding second floor occupancy shall be adopted in
- 7 consultation with the department of elder affairs and

8 shall take into consideration the mobility of the
 9 tenants."
 10 2. Page 16, by striking lines 11 and 12, and
 11 inserting the following:
 12 "d. A person, other than a person authorized to
 13 prescribe prescription drugs under state and federal
 14 law, shall not alter the prescription of a tenant."
 15 3. By renumbering, relettering, or redesignating
 16 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1378](#).

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

On the question "Shall the bill pass?" ([H.F. 710](#))

The ayes were, 99:

| | | | |
|------------------|--------------|-------------------------|-------------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cphoon | Dandekar |
| Davitt | De Boef | Dix | 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 | Rants, Spkr. | Rasmussen | Rayhons |
| Reasoner | Reichert | Roberts | Sands |
| Schickel | Schueller | Shomshor | Shoultz |
| Smith | Soderberg | Struyk | Swaim |
| Taylor, D. | Taylor, T. | Thomas | Tjepkes |
| Tymeson | Upmeyer | Van Engelenhoven | Van Fossen, J.K. |
| Van Fossen, J.R. | Watts | Wendt | Wessel-Kroeschell |
| Whitaker | Whitead | Wilderdyke | Winckler |
| Wise | Zirkelbach | Dolecheck, Presiding | |

The nays were, none.

Absent or not voting, 1:

Tomenga

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

Unfinished Business Calendar

[Senate File 57](#), a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment, with report of committee recommending passage, was taken up for consideration.

Fallon of Polk asked and received unanimous consent to withdraw amendment [H-1230](#) filed by him on March 30, 2005.

Tjepkes of Webster offered the following amendment [H-1393](#) filed by him and moved its adoption:

[H-1393](#)

- 1 Amend [Senate File 57](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting before line 10, the
- 4 following:
- 5 "Sec. __. Section 414.25, Code 2005, is amended
- 6 to read as follows:
- 7 414.25 TRANSITIONAL PROVISIONS.
- 8 Of the two additional members which may be
- 9 appointed to increase a five-member board of
- 10 adjustment to a seven-member board after January 1,
- 11 1980, one member shall be appointed to an initial term
- 12 of five years and one member shall be appointed to an
- 13 initial term of four years. The terms of office of
- 14 members of a board of adjustment serving unexpired
- 15 terms of office on or after January 1, 1980, shall
- 16 expire according to their original appointments."
- 17 2. Page 2, line 19, by inserting after the word
- 18 "on" the following: "or after".
- 19 3. Page 2, line 27, by inserting after the word
- 20 "on" the following: "or after".
- 21 4. By renumbering as necessary.

Amendment [H-1393](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 57](#))

The ayes were, 98:

| | | | |
|--------------|-------------------------|-------------------|------------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cohoon | Dandekar |
| Davitt | De Boef | Dix | 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, 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 | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. |
| Watts | Wendt | Wessel-Kroeschell | Whitaker |
| Whitead | Wilderdyke | Winckler | Wise |
| Zirkelbach | Dolecheck, Presiding | | |

The nays were, 1:

Olson, D.

Absent or not voting, 1:

Tomenga

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the

following bills be immediately messaged to the Senate: **House Files 587, 617, 710** and [Senate File 57](#).

Ways and Means Calendar

[House File 854](#), a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates, was taken up for consideration.

Hoffman of Crawford offered the following amendment [H-1403](#) filed by him from the floor and moved its adoption:

[H-1403](#)

- 1 Amend [House File 854](#) as follows:
- 2 1. Page 8, lines 28 and 29, by striking the words
- 3 "~~attached to the policy when~~" and inserting the
- 4 following: "attached to the policy when issued or
- 5 shall be".
- 6 2. Page 17, by striking lines 8 through 27 and
- 7 inserting the following: "the administrator may by
- 8 rule require financial responsibility standards."
- 9 3. By striking page 36, line 22 through page 37,
- 10 line 1, and inserting the following:
- 11 "Sec. NEW SECTION. 522B.17A INJUNCTIVE
- 12 RELIEF.
- 13 1. An association with at least twenty-five
- 14 insurance producer members may bring an action in
- 15 district court to enjoin a person from selling,
- 16 soliciting, or negotiating insurance in violation of
- 17 section 522B.2. However, before bringing an action in
- 18 district court to enjoin a person pursuant to this
- 19 section, an association shall file a complaint with
- 20 the insurance division alleging that the person is
- 21 selling, soliciting, or negotiating insurance in

22 violation of section 522B.2.
23 2. If the division makes a determination to
24 proceed administratively against the person for a
25 violation of section 522B.2, the complainant shall not
26 bring an action in district court against the person
27 pursuant to this section based upon the allegations
28 contained in the complaint filed with the division.
29 3. If the division does not make a determination
30 to proceed administratively against the person for a
31 violation of section 522B.2, the division shall issue,
32 on or before ninety days from the date of filing of
33 the complaint, a release to the complainant that
34 permits the complainant to bring an action in district
35 court pursuant to this section.
36 4. The filing of a complaint with the division
37 pursuant to this section tolls the statute of
38 limitations pursuant to section 614.1 as to the
39 alleged violation for a period of one hundred twenty
40 days from the date of filing the complaint.
41 5. Any action brought in district court by a
42 complainant against a person pursuant to this section,
43 based upon the allegations contained in the complaint
44 filed with the division, shall be brought within one
45 year after the ninety-day period following the filing
46 of the complaint with the division, or the date of the
47 issuance of a release by the division, whichever is
48 earlier.
49 6. If the court finds that the person is in
50 violation of section 522B.2 and enjoins the person

Page 2

1 from selling, soliciting, or negotiating insurance in
2 violation of that section, the court's findings of
3 fact and law, and the judgment and decree, when final,
4 shall be admissible in any proceeding initiated
5 pursuant to section 522B.17 by the commissioner
6 against the person enjoined and the person enjoined
7 shall be precluded from contesting in that proceeding
8 the court's determination that the person sold,
9 solicited, or negotiated insurance in violation of
10 section 522B.2."
11 4. By renumbering as necessary.

Amendment [H-1403](#) was adopted.

[SENATE FILE 360](#) SUBSTITUTED FOR [HOUSE FILE 854](#)

Hoffman of Crawford asked and received unanimous consent to substitute [Senate File 360](#) for [House File 854](#).

Senate File 360, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates, was taken up for consideration.

Petersen of Polk asked and received unanimous consent to withdraw amendment **H-1416** filed by her from the floor.

Hoffman of Crawford 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. 360**)

The ayes were, 98:

| | | | |
|--------------|------------|-----------|------------|
| Alons | Anderson | Arnold | Baudler |
| Bell | Berry | Boal | Bukta |
| Carroll | Chambers | Cphoon | Dandekar |
| Davitt | De Boef | Dix | Drake |
| Eichhorn | Elgin | 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 | Tymeson |
| Upmeyer | Van Engelenhoven | Van Fossen, J.K. | Van Fossen, J.R. |
| Watts | Wendt | Wessel-Kroeschell | Whitaker |
| Whitead | Wilderdyke | Winckler | Wise |
| Zirkelbach | Dolecheck, Presiding | | |

The nays were, 1:

Fallon

Absent or not voting, 1:

Tomenga

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

[HOUSE FILE 854](#) WITHDRAWN

Hoffman of Crawford asked and received unanimous consent to withdraw [House File 854](#) from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [Senate File 360](#) be immediately messaged to the Senate.

The House stood at ease at 2:28 p.m., until the fall of the gavel.

The House resumed session at 4:22 p.m., Speaker Rants in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 19, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 538](#), a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 589](#), a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 674](#), a bill for an act relating to distribution of secondary and farm-to-market road funds.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 737](#), a bill for an act relating to the registration and licensing of mortgage bankers and brokers, providing for fees, and providing an effective date.

Also: That the Senate has on April 19, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 771](#), a bill for an act relating to the timing of a mental competency hearing for a person accused of a criminal offense.

Also: That the Senate has on April 19, 2005, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 330](#), a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions.

Also: That the Senate has on April 19, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 9](#), a concurrent resolution relating to the creation of a criminal code revisions legislative study committee.

Also: That the Senate has on April 19, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 13](#), a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

MICHAEL E. MARSHALL, Secretary

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 19, 2005. Had I been present, I would have voted "aye" on [House File 742](#) and [Senate File 370](#).

WATTS of Dallas

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 19, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 252](#), an Act relating to the control of noxious weeds on land by providing alternative notice procedures to landowners and other responsible persons.

[House File 375](#), an Act relating to the duties imposed on a real estate broker by a brokerage agreement.

[House File 469](#), an Act increasing the membership of the real estate commission.

[House File 478](#), an Act relating to the Iowa Commission on Volunteer Service.

[House File 580](#), an Act relating to the administration of the Iowa Egg Council, including by providing for the use, protection, and research of eggs and egg products, and providing for an assessment.

[Senate Joint Resolution 6](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

[Senate Joint Resolution 7](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

[Senate File 265](#), an Act relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

[Senate File 283](#), an Act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

[Senate File 320](#), an Act requiring performance of a criminal history check on applicants for real estate broker and salesperson licenses.

[Senate File 339](#), an Act relating to regional transit districts.

[Senate File 346](#), an Act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

[Senate File 379](#), an Act relating to the Iowa Probate Code, the Iowa Trust Code, and certain other trusts.

PRESENTATION OF VISITORS

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

Thirty-five 7th grade students from Cumberland Anita, Massena, Iowa, accompanied by teacher and former Representative Mike Cormack. By Baudler of Adair and Drake of Pottawattamie.

Middle School students from West Central Community School, Maynard, Iowa, accompanied by Larry Munger. By Lalk of Fayette.

Forty-one students from Wall Lakeview, Auburn, Iowa, accompanied by Nick Savers, Carol Dickkut and Kari Houser. By Freeman of Buena Vista.

Eighth grade students from St. Theresa's School, Des Moines, Iowa, accompanied by Mr. Hattel. By Jacobs of Polk.

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\1241 | Frank and Betty Forret, Calamus – For celebrating their 50 th wedding anniversary. |
| 2005\1242 | June Petersen, DeWitt – For celebrating her 85 th birthday. |
| 2005\1243 | Willa Howson, DeWitt – For celebrating her 100 th birthday. |
| 2005\1244 | Dorothy Gronewold, Donahue – For celebrating her 90 th birthday. |
| 2005\1245 | Charles Sothmann, Davenport – For celebrating his 80 th birthday. |

- 2005\1246 Lynn Oldfather, La Porte City – For celebrating his 82nd birthday.
- 2005\1247 Leona Schares, Dunkerton – For celebrating her 85th birthday.
- 2005\1248 Ronald and Sharon Lentzkow, Independence – For celebrating their 50th wedding anniversary.
- 2005\1249 James R. and Marilyn J. Lee, La Porte City – For celebrating their 50th wedding anniversary.
- 2005\1250 Fern Opdahl, Hawarden – For celebrating her 80th birthday.
- 2005\1251 Gloria Stotz, Akron – For celebrating her 80th birthday.
- 2005\1252 Don and Pat Schiltz, Remsen – For celebrating their 50th wedding anniversary.
- 2005\1253 Clarke Pollock, Garner – For celebrating his 90th birthday.
- 2005\1254 Art and Berniece Koenigsberg, Remsen – For celebrating their 60th wedding anniversary.
- 2005\1255 Roberta Meinking, Aurelia – For celebrating her 100th birthday.
- 2005\1256 Howard Hinton, Iowa Falls – For celebrating his 90th birthday.
- 2005\1257 Stewart A. and Florabelle Hays, Exira – For celebrating their 65th wedding anniversary.
- 2005\1258 Hulda Kroeger, Sioux City – For celebrating her 103rd birthday.
- 2005\1259 John and Mary Lou Behm, Mason City – For celebrating their 50th wedding anniversary.
- 2005\1260 Iris Alitz, Mason City – For celebrating her 80th birthday.
- 2005\1261 Edith Albers, Swaledale – For celebrating her 80th birthday.
- 2005\1262 Robert Lukes, Mason City – For celebrating his 90th birthday.
- 2005\1263 Harold and Jean Youngblut, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\1264 Gloria Smith, Waterloo – For celebrating her 80th birthday.
- 2005\1265 John Massa, Sibley – For celebrating his 90th birthday.
- 2005\1266 Doris Oswald, Mason City – For celebrating her 90th birthday.
- 2005\1267 Andy and Nelvina Mouw, Sibley – For celebrating their 60th wedding anniversary.

- 2005\1268 Lenore Luethje, Toledo – For celebrating her 90th birthday.
- 2005\1269 Dean and Elayne Hummel, Orleans – For celebrating their 50th wedding anniversary.
- 2005\1270 Kassie Hobbs, Bettendorf – For receiving the Campaign for Tobacco Free Kids National Youth Advocate of the Year award.
- 2005\1271 Mike Schmillen, Spencer – For his 29 years of coaching the Spencer High School Track Team.

SUBCOMMITTEE ASSIGNMENT

[Senate File 403](#)

Government Oversight: Raecker, Chair; Eichhorn and Winckler.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 300](#)

Ethics: Raecker, Chair; Cohoon, Huseman, Mascher, Miller and Tymeson.

[House Study Bill 301](#)

Ways and Means: J.K. Van Fossen, Chair; Kaufmann and Shomshor.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 302](#) Oversight

Creating a starvation and dehydration of persons with disabilities prevention Act and providing remedies.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON ADMINISTRATION AND RULES

[House File 845](#), a bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees,

abolishing certain related entities, and including effective date and applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment [H-1411](#)** April 19, 2005.

COMMITTEE ON WAYS AND MEANS

[Senate File 390](#), a bill for an relating to the generation and purchase of renewable energy including establishing a renewable energy tax credit program administered by the utilities division of the department of commerce and the department of revenue, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2005.

[Senate File 395](#), a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund.

Fiscal Note is not required.

Recommended **Do Pass** April 14, 2005.

Committee Bill (Formerly [House File 387](#)), relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** April 18, 2005.

Committee Bill (Formerly [House File 689](#)), providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 2005.

Committee Bill (Formerly [House File 850](#)), relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and retroactive applicability provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 18, 2005.

RESOLUTIONS FILED

[HCR 16](#), by Upmeyer, Dandekar, Mertz, Boal, Wessel-Kroeschell, Tymeson, Jacobs, Heddens, Smith, Lukan, Oldson, Foege, Berry, Kressig, Paulsen, Dix, Greiner, Drake and Gipp, a concurrent resolution relating to cervical cancer awareness, and recognizing efforts by the Iowa Department of Public Health and the Iowa Consortium for Comprehensive Cancer Control in promoting that awareness.

Laid over under **Rule 25**.

[HR 46](#), by Mascher, a resolution requesting the establishment of a legislative interim study committee to review the private instruction requirements for school-age children set forth in the Iowa Code.

Laid over under **Rule 25**.

[HR 47](#), by Berry, Winckler, Wendt, Lensing, Shoultz, Bell, Whitead, Foege, Lykam, Jacoby, Hunter, T. Taylor, D. Olson, Wessel-Kroeschell, Freeman, D. Taylor, Tomenga, Reasoner, Oldson, Frevert, Ford, Baudler, Schueller, Heddens, Shomshor, Hutter, Swaim, Jacobs, Tjepkes, Upmeyer, Greiner, De Boef, Reichert, Schickel, Whitaker, Cohoon, Kressig, Huseman, May, Huser, Fallon, Bukta, Heaton, Granzow, Hogg, Boal and Miller, a house resolution proclaiming April 2005 as Child Abuse Prevention Month.

Laid over under **Rule 25**.

AMENDMENTS FILED

| | | |
|------------------------|--------------------------|--|
| H-1397 | H.F. 275 | Senate Amendment |
| H-1398 | H.F. 616 | Senate Amendment |
| H-1399 | H.F. 739 | Senate Amendment |
| H-1400 | H.F. 849 | Thomas of Clayton |
| H-1401 | H.F. 687 | Rayhons of Hancock Bukta of Clinton |
| H-1404 | H.F. 833 | Anderson of Page R. Olson of Polk |
| H-1405 | H.F. 847 | Kuhn of Floyd |
| H-1406 | H.F. 847 | Gaskill of Wapello |

| | | |
|---------------|-----------------|---------------------------------------|
| <u>H-1407</u> | <u>H.F. 847</u> | Ford of Polk |
| <u>H-1408</u> | <u>H.F. 847</u> | Smith of Marshall |
| <u>H-1409</u> | <u>H.F. 829</u> | Petersen of Polk |
| <u>H-1410</u> | <u>H.F. 848</u> | Paulsen of Linn |
| <u>H-1411</u> | <u>H.F. 845</u> | Committee on Administration and Rules |
| <u>H-1412</u> | <u>H.F. 848</u> | Heaton of Henry |
| <u>H-1413</u> | <u>H.F. 848</u> | Jacobs of Polk |
| | | Sands of Louisa |
| | | S. Olson of Clinton |
| <u>H-1414</u> | <u>H.F. 848</u> | Pettengill of Benton |
| | | Schueller of Jackson |
| <u>H-1415</u> | <u>H.F. 847</u> | Gaskill of Wapello |
| <u>H-1417</u> | <u>H.F. 841</u> | Carroll of Poweshiek |
| | | Smith of Marshall |
| | | Foege of Linn |
| | | Upmeyer of Hancock |
| | | Heaton of Henry |
| <u>H-1418</u> | <u>H.F. 862</u> | Mascher of Johnson |
| <u>H-1419</u> | <u>H.F. 862</u> | De Boef of Keokuk |
| | | Tymeson of Madison |
| | | Heaton of Henry |
| | | Upmeyer of Hancock |
| <u>H-1420</u> | <u>H.F. 848</u> | Shoultz of Black Hawk |
| <u>H-1421</u> | <u>H.F. 848</u> | Shoultz of Black Hawk |
| <u>H-1422</u> | <u>S.F. 330</u> | Senate Amendment |
| <u>H-1423</u> | <u>H.F. 848</u> | Hogg of Linn |
| <u>H-1424</u> | <u>H.F. 848</u> | Hogg of Linn |
| <u>H-1425</u> | <u>H.F. 538</u> | Senate Amendment |
| <u>H-1426</u> | <u>H.F. 841</u> | Foege of Linn |
| <u>H-1427</u> | <u>H.F. 841</u> | Upmeyer of Hancock |
| | | J.K. Van Fossen of Scott |
| | | Heaton of Henry |

On motion by Jacobs of Polk the House adjourned at 4:28 p.m., until 8:45 a.m., Wednesday, April 20, 2005.