

PROOF

STATE OF IOWA

House Journal

THURSDAY, APRIL 21, 2005

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JOURNAL OF THE HOUSE

One Hundred Second Calendar Day - Sixty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, April 21, 2005

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

Prayer was offered by the Honorable Doug Shull, state senator from Warren County and the Honorable David Johnson, state senator from Osceola County.

PLEDGE OF ALLEGANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, April 20, 2005 was approved.

SENATE MESSAGE CONSIDERED

[Senate File 409](#), by committee on ways and means, a bill for an act relating to financial transactions including the sale of specific items used in livestock and plant production, providing for an exemption and refund of sales and use taxes, providing for a maximum finance charge on consumer loans secured by a certificate of title to a motor vehicle, making penalties applicable, and including an effective and retroactive applicability date provision.

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

CONSIDERATION OF BILLS Unfinished Business Calendar

[Senate File 321](#), a bill for an act relating to the use of moneys deposited into the inmate labor fund, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 321](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Granzow of Hardin called up for consideration [House File 616](#), bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1398](#):

[H-1398](#)

- 1 Amend [House File 616](#), as passed by the House, as
 2 follows:
 3 1. Page 3, line 8, by striking the words "shall
 4 manage" and inserting the following: "has authority
 5 over".
 6 2. Page 3, line 9, by inserting after the word
 7 "pool" the following: "and shall manage the pool".
 8 3. Page 3, line 17, by inserting after the word
 9 "expenditure" the following: "as directed by the
 10 project's governance board".

The motion prevailed and the House concurred in the Senate amendment [H-1398](#).

Granzow of Hardin 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. 616](#))

The ayes were, 99:

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

Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Heddens of Story called up for consideration [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, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1425](#):

[H-1425](#)

1 Amend [House File 538](#), as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, by striking lines 12 through 19, and
 4 inserting the following:
 5 "b. The waiver request shall provide for
 6 appropriately addressing the needs of children
 7 described in paragraph "a" by implementing any of the
 8 following options: using a wraparound services
 9 approach, renegotiating the medical assistance program
 10 contract provisions for behavioral health services, or
 11 applying another approach for appropriately meeting
 12 the children's needs.
 13 c. If federal approval of the waiver request is
 14 not received, the department shall submit options to
 15 the governor and general assembly to meet the needs of
 16 such children through a state-funded program."

The motion prevailed and the House concurred in the Senate amendment [H-1425](#).

Heddens of Story 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. 538](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Berry

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 201](#), a bill for an act providing for veterinary emergency preparedness and response by the department of agriculture and land stewardship, with report of committee recommending passage, was taken up for consideration.

Lalk of Fayette 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. 201](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Berry

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

SENATE AMENDMENT CONSIDERED

Raecker of Polk called up for consideration [House File 253](#), a bill for an act relating to governmental ethics and the duties of the Iowa

ethics and campaign disclosure board, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1436](#):

[H-1436](#)

1 Amend [House File 253](#), as passed by the House, as
 2 follows:
 3 1. Page 2, by striking lines 11 through 30 and
 4 inserting the following:
 5 "Sec. __. Section 68B.22, subsection 4, paragraph
 6 r, Code 2005, is amended to read as follows:
 7 r. Gifts of food, beverage, and entertainment
 8 received by public officials or public employees at a
 9 ~~reception function~~ where every member of the general
 10 assembly has been invited to attend, when the
 11 ~~reception function~~ takes place during a regular
 12 session of the general assembly. A sponsor of a
 13 ~~reception function~~ under this paragraph shall file a
 14 report disclosing the total amount expended, including
 15 in-kind expenditures, on food, beverage, and
 16 entertainment for the ~~reception function~~. The report
 17 shall be filed with the person or persons designated
 18 by the secretary of the senate, and the chief clerk of
 19 the house, and the board within five business days
 20 following the date of the ~~reception function~~. The
 21 person or persons designated by the secretary of the
 22 senate and the chief clerk of the house shall forward
 23 a copy of each report to the board."
 24 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1436](#).

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

On the question "Shall the bill pass?" ([H.F. 253](#))

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 253, 538, 616** and **Senate Files 201** and **321**.

SENATE AMENDMENT CONSIDERED

Carroll of Poweshiek called up for consideration [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, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1422](#) to the House amendment:

[H-1422](#)

- 1 Amend the House amendment, [S-3072](#), to Senate File
- 2 330, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 2 through 14, and

4 inserting the following:
 5 "___, Page 39, by inserting after line 26 the
 6 following:
 7 "Sec. ___. Section 598.41, subsection 5, paragraph
 8 a, Code 2005, is amended to read as follows:
 9 a. If joint legal custody is awarded to both
 10 parents, the court may award joint physical care to
 11 both joint custodial parents upon the request of
 12 either parent. Prior to ruling on the request for the
 13 award of joint physical care, the court may require
 14 the parents to submit, either individually or jointly,
 15 a proposed joint physical care parenting plan. A
 16 proposed joint physical care parenting plan shall
 17 address how the parents will make decisions affecting
 18 the child, how the parents will provide a home for the
 19 child, how the child's time will be divided between
 20 the parents and how each parent will facilitate the
 21 child's time with the other parent, arrangements in
 22 addition to court-ordered child support for the
 23 child's expenses, how the parents will resolve major
 24 changes or disagreements affecting the child including
 25 changes that arise due to the child's age and
 26 developmental needs, and any other issues the court
 27 may require. If the court denies the request for
 28 joint physical care, the determination shall be
 29 accompanied by specific findings of fact and
 30 conclusions of law that the awarding of joint physical
 31 care is not in the best interest of the child."
 32 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1422](#), to the House amendment.

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

On the question "Shall the bill pass?" ([S.F. 330](#))

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner

Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

J.R. Van Fossen of Scott called up for consideration [House File 745](#), a bill for an act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1371](#):

[H-1371](#)

1 Amend [House File 745](#), as passed by the House, as
 2 follows:
 3 1. By striking everything after the enacting
 4 clause and inserting the following:
 5 "Section 1. Section 714.1, subsection 2, Code
 6 2005, is amended to read as follows:
 7 2. Misappropriates property which the person has
 8 in trust, or property of another which the person has
 9 in the person's possession or control, whether such
 10 possession or control is lawful or unlawful, by using
 11 or disposing of it in a manner which is inconsistent
 12 with or a denial of the trust or of the owner's rights

13 in such property, or conceals found property, or
 14 appropriates such property to the person's own use,
 15 when the owner of such property is known to the
 16 person.
 17 a. Failure by a bailee or lessee of personal
 18 property to return the property within seventy-two
 19 hours after a time specified in a written agreement of
 20 lease or bailment shall be evidence of
 21 misappropriation.
 22 b. If a time is not specified in the written
 23 agreement of lease or bailment for the expiration or
 24 termination of the lease or bailment or for the return
 25 of the personal property, failure by a lessee or
 26 bailee to return the property within five days after
 27 proper notice to the lessee or bailee shall be
 28 evidence of misappropriation. For the purposes of
 29 this paragraph, "proper notice" means a written notice
 30 of the expiration or termination of the lease or
 31 bailment agreement sent to the lessee or bailee by
 32 certified or restricted certified mail at the address
 33 of the lessee or bailee specified in the agreement.
 34 The notice shall be considered effective on the date
 35 of the mailing of the notice regardless of whether or
 36 not the lessee or bailee signs a receipt for the
 37 notice."

The motion prevailed and the House concurred in the Senate amendment [H-1371](#).

J.R. Van Fossen of Scott 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. 745](#))

The ayes were, 100:

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

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

The nays were, none.

Absent or not voting, none.

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 323](#), a bill for an act establishing a uniform mediation Act, 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. 323](#))

The ayes were, 100:

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

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

The nays were, none.

Absent or not voting, none.

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

SENATE AMENDMENT CONSIDERED

Maddox of Polk called up for consideration [House File 683](#), a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1358](#):

[H-1358](#)

1 Amend [House File 683](#), as passed by the House, as
 2 follows:
 3 1. Page 1, by striking line 1.
 4 2. Page 1, by inserting after line 16 the
 5 following:
 6 "Sec. __. Section 600A.2, Code 2005, is amended
 7 by adding the following new subsection:
 8 **NEW SUBSECTION.** 10A. "Indigent" means a person
 9 has an income level at or below one hundred percent of
 10 the United States poverty level as defined by the most
 11 recently revised poverty income guidelines published
 12 by the United States department of health and human
 13 services, unless the court determines that the person
 14 is able to pay for the cost of an attorney in the
 15 pending case. In making the determination of a
 16 person's ability to pay for the cost of an attorney,
 17 the court shall consider the person's income and the

18 availability of any assets subject to execution,
19 including but not limited to cash, stocks, bonds, and
20 any other property which may be applied to the
21 satisfaction of judgments, and the nature and
22 complexity of the case.
23 Sec. ___. Section 600A.6, subsection 3, Code 2005,
24 is amended by adding the following new paragraph:
25 NEW PARAGRAPH. c. A statement that the person
26 against whom a proceeding for termination of parental
27 rights is brought shall have the right to counsel
28 pursuant to section 600A.6A.
29 Sec. ___. NEW SECTION. 600A.6A RIGHT TO AND
30 APPOINTMENT OF COUNSEL.
31 1. Upon the filing of a petition for termination
32 of parental rights under this chapter, the parent
33 identified in the petition shall have the right to
34 counsel in connection with all subsequent hearings and
35 proceedings.
36 2. If the parent against whom the petition is
37 filed desires but is financially unable to employ
38 counsel, the court, following an in-court colloquy,
39 shall appoint counsel for the person if all of the
40 following criteria are met:
41 a. The person requests appointment of counsel.
42 b. The person is indigent.
43 c. The court determines both of the following:
44 (1) The person, because of lack of skill or
45 education, would have difficulty in presenting the
46 person's version of the facts in dispute, particularly
47 where the presentation of the facts requires the
48 examination or cross-examination of witnesses or the
49 presentation of complex documentary evidence.
50 (2) The person has a colorable defense to the

Page 2

1 termination of parental rights, or there are
2 substantial reasons that make termination of parental
3 rights inappropriate.
4 Sec. ___. NEW SECTION. 600A.6B PAYMENT OF
5 ATTORNEY FEES.
6 1. A person filing a petition for termination of
7 parental rights under this chapter or the person on
8 whose behalf the petition is filed shall be
9 responsible for the payment of reasonable attorney
10 fees for counsel appointed pursuant to section 600A.6A
11 unless the court determines that the person filing the
12 petition or the person on whose behalf the petition is
13 filed is indigent.
14 2. If the person filing the petition or the person
15 on whose behalf the petition is filed is indigent, the
16 appointed attorney shall be paid reasonable attorney

17 fees by the county as determined by the court pursuant
18 to section 602.1302."
19 3. Page 1, by inserting before line 17 the
20 following:
21 "Sec. ____ Section 602.1302, subsections 3 and 4,
22 Code 2005, are amended to read as follows:
23 3. A revolving fund is created in the state
24 treasury for the payment of jury and witness fees,
25 attorney fees, mileage, and costs related to summoning
26 jurors by the judicial branch. The judicial branch
27 shall deposit any reimbursements to the state for the
28 payment of jury and witness fees and mileage in the
29 revolving fund. Notwithstanding section 8.33,
30 unencumbered and unobligated receipts in the revolving
31 fund at the end of a fiscal year do not revert to the
32 general fund of the state. The judicial branch shall
33 on or before February 1 file a financial accounting of
34 the moneys in the revolving fund with the legislative
35 services agency. The accounting shall include an
36 estimate of disbursements from the revolving fund for
37 the remainder of the fiscal year and for the next
38 fiscal year.
39 4. The judicial branch shall reimburse counties
40 for the costs of witness and mileage fees and for
41 attorney fees paid pursuant to section ~~232.141,~~
42 ~~subsection 1 600A.6B from the revolving fund~~
43 established in subsection 3."
44 4. Page 4, line 19, by striking the words
45 "enactment, and applies" and inserting the following:
46 "enactment. The sections of this Act amending chapter
47 600A and section 602.1302, apply retroactively to May
48 12, 2004, and the remaining sections of this Act
49 apply".
50 5. Title page, line 2, by inserting after the

Page 3

1 word "indigent" the following: "person during a
2 termination of parental rights proceeding or an
3 indigent".

Maddox of Polk offered the following amendment [H-1456](#), to the Senate amendment [H-1358](#), filed by him from the floor and moved its adoption:

[H-1456](#)

1 Amend the Senate amendment, [H-1358](#), to House File
2 683, as passed by the House as, follows:
3 1. Page 2, by striking lines 17 and 18 and
4 inserting the following: "fees as determined by the

- 5 state public defender."
6 2. Page 2, by inserting after line 18 the
7 following:
8 "3. The state public defender shall review all the
9 claims submitted under this section and shall have the
10 same authority with regard to the payment of these
11 claims as the state public defender has with regard to
12 claims submitted under chapters 13B and 815, including
13 the authority to adopt rules concerning the review and
14 payment of claims submitted."
15 3. Page 2, by striking lines 21 and 22 and
16 inserting the following:
17 "Sec. ___. Section 602.1302, subsection 3, Code
18 2005, is amended to read as follows:"
19 4. Page 2, by striking lines 25 and 26 and
20 inserting the following: "mileage, ~~and~~ costs related
21 to summoning jurors by the judicial branch, ~~and~~
22 attorney fees paid by the state public defender for
23 counsel appointed pursuant to section 600A.6A. The
24 judicial branch".
25 5. Page 2, line 29, by inserting after the word
26 "fund." the following: "In each calendar quarter the
27 judicial branch shall reimburse the state public
28 defender for attorney fees paid pursuant to section
29 600A.6B."
30 6. Page 2, by striking lines 39 through 43.
31 7. Page 2, by inserting before line 44 the
32 following:
33 " ___. Page 1, line 26, by inserting after the
34 figure "229A," the following: "termination under
35 chapter 600A."
36 ___. Page 1, line 29, by inserting after the
37 figure "229A," the following: "termination under
38 chapter 600A."
39 ___. Page 2, line 10, by inserting after the
40 figure "598.23A," the following: "600A.6B."
41 8. Page 2, line 47, by inserting after the figure
42 "602.1302," the following: "and the portions of this
43 Act amending sections 815.10 and 815.11 relating to
44 chapter 600A".
45 9. Page 2, line 48, by inserting after the word
46 "Act" the following: ", including the portions of
47 this Act amending sections 815.10 and 815.11 relating
48 to chapter 908,".

Amendment [H-1456](#) was adopted.

On motion by Maddox of Polk the House concurred in the Senate amendment [H-1358](#), as amended.

Maddox of Polk moved that the bill, as amended by the Senate, further amended 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. 683](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting, 1:

Frevert

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that

the following bills be immediately messaged to the Senate: **House Files 683, 745** and **Senate Files 323 and 330**.

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 21, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 14](#), a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

[House File 801](#), a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 801](#))

The ayes were, 93:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert

Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 5:

Fallon	Gaskill	Hunter	Mascher
Shoultz			

Absent or not voting, 2:

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 801](#) be immediately messaged to the Senate.

The House stood at ease at 9:59 a.m., until the fall of the gavel.

The House resumed session at 11:30 a.m., Speaker Rants in the chair.

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration [House File 682](#), a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1438](#):

[H-1438](#)

- 1 Amend [House File 682](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Sec.____. Section 602.8108, subsection 3, Code
- 6 2005, is amended to read as follows:

7 3. The clerk of the district court shall remit to
8 the state court administrator, not later than the
9 fifteenth day of each month, ninety-five percent of
10 all moneys collected from the criminal penalty
11 surcharge provided in section 911.1 during the
12 preceding calendar month. The clerk shall remit the
13 remainder to the county treasurer of the county that
14 was the plaintiff in the action or to the city that
15 was the plaintiff in the action. Of the amount
16 received from the clerk, the state court administrator
17 shall allocate ~~eighteen~~ seventeen percent to be
18 deposited in the victim compensation fund established
19 in section 915.94, and ~~eighty-two~~ eighty-three percent
20 to be deposited in the general fund.

21 Sec. __. Section 602.8108, Code 2005, is amended
22 by adding the following new subsection:

23 NEW SUBSECTION. 9. A criminalistics laboratory
24 fund is created as a separate fund in the state
25 treasury under the control of the department of public
26 safety. The fund shall consist of appropriations made
27 to the fund and transfers of interest, and earnings.
28 All moneys in the fund are appropriated to the
29 department of public safety for use by the department
30 in criminalistics laboratory equipment purchasing,
31 maintenance, depreciation, and training. Any balance
32 in the fund on June 30 of any fiscal year shall not
33 revert to any other fund of the state but shall remain
34 available for the purposes described in this
35 subsection."

36 2. Page 2, by inserting after line 5 the
37 following:

38 "Sec. __. Section 911.1, subsection 1, Code 2005,
39 is amended to read as follows:

40 1. A criminal penalty surcharge shall be levied
41 against law violators as provided in this section.
42 When a court imposes a fine or forfeiture for a
43 violation of state law, or a city or county ordinance,
44 except an ordinance regulating the parking of motor
45 vehicles, the court or the clerk of the district court
46 shall assess an additional penalty in the form of a
47 criminal penalty surcharge equal to ~~thirty~~ thirty-two
48 percent of the fine or forfeiture imposed."

49 3. Title page, lines 1 and 2, by striking the
50 words "upon the entry of a deferred judgment" and

Page 2

1 inserting the following: "and criminal penalty
2 surcharge, and creating a criminalistics laboratory
3 fund".

4 4. By renumbering, relettering, or redesignating
5 and correcting internal references as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1438](#).

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

On the question "Shall the bill pass?" ([H.F. 682](#))

The ayes were, 95:

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

The nays were, 4:

Fallon	Hunter	Taylor, D.	Taylor, T.
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Absent or not voting, 1:

Frevert

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 682](#) be immediately messaged to the Senate.

On motion by Gipp of Winneshiek, the House was recessed at 11:37 a.m., until 12:30 p.m.

AFTERNOON SESSION

The House reconvened at 12:42 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS
Unfinished Business Calendar

[House File 586](#), a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date, was taken up for consideration.

Upmeyer of Hancock offered the following amendment [H-1457](#) filed by her from the floor and moved its adoption:

[H-1457](#)

- 1 Amend [House File 586](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. TASK FORCE – MEDICARE PART D
- 5 IMPLEMENTATION.
- 6 1. The department of human services shall convene
- 7 a task force to determine the most efficient means of
- 8 implementing the Medicare drug benefit established as
- 9 Medicare Part D under the federal Medicare
- 10 Prescription Drug, Improvement and Modernization Act
- 11 of 2003. The task force shall consist of all of the
- 12 following voting members:
- 13 a. The director of human services, or the
- 14 director's designee.
- 15 b. The director of the department of elder
- 16 affairs, or the director's designee.
- 17 c. The director of public health, or the
- 18 director's designee.
- 19 d. A representative of the area agencies on aging.
- 20 e. A representative of the AARP.
- 21 f. A representative of the governor's
- 22 developmental disabilities council.

23 g. A representative of the insurance division of
24 the department of commerce.
25 h. A representative of the national alliance for
26 the mentally ill Iowa.
27 i. A representative of the United States social
28 security administration.
29 j. A representative of the Iowa association of
30 homes and services for the aging.
31 k. A representative of the Iowa health care
32 association.
33 l. A representative of the Iowa state association
34 of counties.
35 m. A representative of the Iowa council of health
36 care centers.
37 n. Eight members of the general assembly.
38 2. a. The legislative members of the task force
39 shall be appointed by the republican and democratic
40 leaders of the senate, after consultation with the
41 president of the senate, and by the speaker of the
42 house of representatives, after consultation with the
43 majority leader and the minority leader of the house
44 of representatives. The legislative appointments
45 shall comply with sections 69.16 and 69.16A.
46 b. Vacancies on the task force shall be filled by
47 the original appointing authority and in the manner of
48 the original appointments.
49 3. The task force shall elect a chairperson. A
50 majority of the members of the task force shall

Page 2

1 constitute a quorum. A majority vote of those members
2 present shall be required for any action of the task
3 force. The department of human services shall provide
4 staffing for the task force.
5 4. The task force shall make recommendations
6 regarding all of the following:
7 a. Issues related to low-income elderly and
8 individuals with disabilities who are enrolled in both
9 Medicaid and Medicare, or "dual eligibles", who will
10 no longer be eligible for coverage of prescription
11 drugs under Medicaid.
12 b. The extent to which the state will provide
13 benefits to wraparound Medicare Part D benefits.
14 c. Administration of the subsidy for low-income
15 beneficiaries.
16 d. General administration of the Medicare Part D
17 program throughout the state.
18 5. The task force shall submit a report of its
19 findings and recommendations to the oversight
20 committee of the general assembly no later than
21 October 1, 2005.

22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
23 immediate importance, takes effect upon enactment."

Amendment [H-1457](#) was adopted.

[SENATE FILE 355](#) SUBSTITUTED FOR [HOUSE FILE 586](#)

Upmeyer of Hancock asked and received unanimous consent to substitute [Senate File 355](#) for [House File 586](#).

[Senate File 355](#), a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date, was taken up for consideration.

Upmeyer of Hancock asked and received unanimous consent to withdraw amendment [H-1461](#) filed by her from the floor.

QUORUM CALL

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

Upmeyer of Hancock offered the following amendment [H-1464](#) filed by her from the floor and moved its adoption:

[H-1464](#)

- 1 Amend [Senate File 355](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 14 through 17.
- 4 2. Page 1, by striking lines 20 and 21.
- 5 3. Page 1, by striking lines 24 through 30.
- 6 4. By renumbering as necessary.

Amendment [H-1464](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 355](#))

The ayes were, 99:

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

The nays were, none.

Absent or not voting and 1:

Frevert

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 355](#) be immediately messaged to the Senate.

[HOUSE FILE 586](#) WITHDRAWN

Upmeyer of Hancock asked and received unanimous consent to withdraw [House File 586](#) from further consideration by the House.

ADOPTION OF [SENATE CONCURRENT RESOLUTION 14](#)

Gipp of Winneshiek asked and received unanimous consent for the immediate consideration of [Senate Concurrent Resolution 14](#), a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week. Fallon of Polk moved its adoption.

Roberts of Carroll in the chair at 1:00 p.m.

The motion prevailed and the resolution was adopted.

Ways and Means Calendar

[House File 847](#), a bill for an act relating to property taxation by requiring funding of essential services by cities and counties, modifying property assessment guidelines and notification requirements, creating a property assessment appeal board to hear appeals of the actions of local boards of review, tying together the assessment limitations of certain classes of property, and including a retroactive applicability date provision, was taken up for consideration.

The following amendments were deferred by unanimous consent:

Amendments [H-1460](#), [H-1415](#), [H-1463](#), [H-1395](#), [H-1354](#), [H-1458](#), [H-1386](#), [H-1387](#), [H-1405](#), [H-1406](#), [H-1407](#), [H-1408](#) and [H-1355](#).

Paulsen of Linn offered the following amendment [H-1466](#) filed by him from the floor and moved its adoption:

[H-1466](#)

- 1 Amend [House File 847](#) as follows:
- 2 1. By striking page 1, line 1, through page 2,
- 3 line 30.
- 4 2. Title page, by striking lines 1 and 2, and
- 5 inserting the following: "An Act relating to property
- 6 taxation by modifying property".

Amendment [H-1466](#) was adopted, placing the following amendments out of order:

Amendment [H-1354](#), previously deferred, filed by Wessel-Kroeschell of Story and Heddens of Story on April 12, 2005.

Amendment [H-1355](#), previously deferred, filed by Wessel-Kroeschell of Story and Heddens of Story on April 12, 2005.

Amendment [H-1386](#), previously deferred, filed by Hogg of Linn on April 14, 2005.

Amendment [H-1387](#), previously deferred, filed by Hogg of Linn on April 14, 2005.

Amendment [H-1395](#), previously deferred, filed by Mascher of Johnson on April 18, 2005.

Amendment [H-1405](#), previously deferred, filed by Kuhn of Floyd on April 19, 2005.

Amendment [H-1406](#), previously deferred, filed by Gaskill of Wapello on April 19, 2005.

Amendment [H-1407](#), previously deferred, filed by Ford of Polk on April 19, 2005.

Amendment [H-1408](#), previously deferred, filed by Smith of Marshall on April 19, 2005.

Amendment [H-1415](#), previously deferred, filed by Gaskill of Wapello on April 19, 2005.

Amendment [H-1458](#), previously deferred, filed by Wessel-Kroeschell of Story, from the floor.

Amendment [H-1463](#), previously deferred, filed by Hogg of Linn from the floor.

Speaker Rants in the chair at 1:25 p.m.

Hogg of Linn offered amendment [H-1467](#) filed by him from the floor as follows:

[H-1467](#)

- 1 Amend [House File 847](#) as follows:
- 2 1. Page 5, by inserting after line 15, the
- 3 following:
- 4 "Sec. . NEW SECTION. 426C.1 COMMERCIAL AND
- 5 INDUSTRIAL PROPERTY TAX CREDIT – FUND –
- 6 APPORTIONMENT – PAYMENT.
- 7 1. A commercial and industrial property tax credit
- 8 fund is created. There is appropriated from the
- 9 general fund of the state to the department of revenue
- 10 to be credited to the commercial and industrial
- 11 property tax credit fund for the fiscal year beginning
- 12 July 1, 2006, and for each subsequent fiscal year, an

13 amount sufficient to pay the warrants required under
14 this chapter.

15 The director of the department of administrative
16 services shall issue warrants on the commercial and
17 industrial property tax credit fund payable to the
18 county treasurers of the several counties of the state
19 under this chapter.

20 2. The commercial and industrial property tax
21 credit fund shall be apportioned each year so as to
22 give a credit against the tax on eligible commercial
23 and industrial property in the state in an amount
24 equal to ten percent of the actual levy on the actual
25 value of such property.

26 3. The amount due each county shall be paid in two
27 payments on November 15 and March 15 of each fiscal
28 year, drawn upon warrants payable to the respective
29 county treasurers. The two payments shall be as
30 nearly equal as possible.

31 4. The amount of credits shall be apportioned by
32 each county treasurer to the several taxing districts
33 as provided by law, in the same manner as though the
34 amount of the credit had been paid by the owners.
35 However, the several taxing districts shall not draw
36 the funds so credited until after the semiannual
37 allocations have been received by the county
38 treasurer, as provided in this chapter.

39 Sec. __. NEW SECTION. 426C.2 COMPUTATION BY
40 AUDITOR.

41 On or before May 15, the county auditor shall
42 compute the amount of property taxes to be levied on
43 or estimated to be levied on all property eligible for
44 the commercial and industrial property tax credit
45 which are due and payable in the ensuing fiscal year
46 and on or before May 15 shall certify the total amount
47 to the department of revenue.

48 Sec. __. NEW SECTION. 426C.3 WARRANTS
49 AUTHORIZED BY DIRECTOR.

50 After receiving from the county auditors the

Page 2

1 certifications provided for in section 426C.2, and
2 during the following fiscal year, the director of
3 revenue shall authorize the department of
4 administrative services to draw warrants on the
5 commercial and industrial property tax credit fund
6 payable to the county treasurers as provided in
7 section 426C.1.

8 Sec. __. NEW SECTION. 426C.4 APPORTIONMENT BY
9 AUDITOR.

10 The county auditor shall determine the amount to be
11 credited to each parcel of commercial or industrial

12 property, and shall enter upon tax lists as a credit
13 against the tax levied on each parcel of commercial or
14 industrial property on which there has been made an
15 allowance of credit before delivering said tax lists
16 to the county treasurer. Upon receipt of the warrant
17 by the county auditor, the auditor shall deliver the
18 warrant to the county treasurer for apportionment.
19 The county treasurer shall show on each tax receipt
20 the amount of tax credit for each parcel of business
21 property. In case of change of ownership the credit
22 shall follow the title.

23 Sec. __. NEW SECTION. 426C.5 RULES.

24 The director of revenue shall prescribe forms and
25 rules, not inconsistent with this chapter, necessary
26 to carry out its purposes."

27 2. By striking page 8, line 16, through page 13,
28 line 23.

29 3. Page 20, by striking lines 26 through 29, and
30 inserting the following:

31 "Sec. __. APPLICABILITY DATE. The sections of
32 this Act enacting chapter 426C apply to property taxes
33 due and payable in fiscal years beginning on or after
34 July 1, 2006."

35 4. Page 20, by inserting before line 30, the
36 following:

37 "Sec. __. IMPLEMENTATION. The provisions of
38 section 25B.7 do not apply to the commercial and
39 industrial property tax credits established in this
40 Act."

41 5. Title page, by striking lines 5 through 7, and
42 inserting the following: "actions of local boards of
43 review, providing for a property tax credit for
44 property taxes due on commercial and industrial
45 property, making an appropriation, and providing an
46 applicability date."

47 6. By renumbering as necessary.

Paulsen of Linn offered amendment [H-1468](#), to amendment [H-1467](#), filed by him from the floor as follows:

[H-1468](#)

1 Amend the amendment, [H-1467](#), to [House File 847](#) as
2 follows:

3 1. Page 2, by striking lines 27 through 31, and
4 inserting the following:

5 " __. Page 20, by striking line 26 and inserting
6 the following:

7 "Sec. __. APPLICABILITY DATES."

8 2. Page 2, line 32, by inserting before the word
9 "this" the following:

- 10 "1. The sections of".
11 3. Page 2, by inserting after line 34, the
12 following:
13 "2. The sections of this Act amending section
14 441.21, subsections 4 and 5, and enacting section
15 441.21, subsection 5A, apply retroactively to January
16 1, 2005, for assessment years beginning on or after
17 that date."
18 4. Page 2, by striking lines 41 through 46, and
19 inserting the following:
20 "___ Title page, by striking line 7, and
21 inserting the following: "providing for a property
22 tax credit for property taxes due on commercial and
23 industrial property, making an appropriation, and
24 providing a retroactive applicability and other
25 applicability dates."
26 5. By renumbering as necessary.

The House stood at ease at 1:29 p.m., until the fall of the gavel.

The House resumed session at 1:46 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bukta of Clinton on request of Miller of Webster.

Paulsen of Linn moved the adoption of amendment [H-1468](#) to amendment [H-1467](#).

A non-record roll call was requested.

The ayes were 48, nays 31.

Amendment [H-1468](#) was adopted.

J.K. Van Fossen of Scott rose on a point of order that amendment [H-1467](#), as amended, was not germane.

The Speaker ruled the point well taken and amendment [H-1467](#), as amended, not germane.

Paulsen of Linn offered the following amendment [H-1459](#) filed by him from the floor and moved its adoption:

[H-1459](#)

- 1 Amend [House File 847](#) as follows:
2 1. Page 6, line 21, by striking the word
3 "paragraph" and inserting the following:

- 4 "paragraphs".
5 2. Page 7, line 2, by inserting after the word
6 "compliance." the following: "A county or city for
7 which such funds have been withheld may appeal the
8 action of the department to the state board of tax
9 review."
10 3. Page 7, by inserting before line 4, the
11 following:
12 "NEW PARAGRAPH. i. If the assessor wishes to use
13 any manuals, guidelines, or forms other than those
14 prescribed by the department of revenue, the assessor
15 shall first receive permission from the director of
16 revenue."
17 4. By renumbering and correcting internal
18 references as necessary.

Amendment [H-1459](#) was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-1470](#) filed by him from the floor.

Shoultz of Black Hawk offered amendment [H-1460](#), previously deferred, filed by him from the floor as follows:

[H-1460](#)

- 1 Amend [House File 847](#) as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 "DIVISION I
5 LOCAL FUNDING OF ESSENTIAL SERVICES".
6 2. Page 2, by inserting before line 31, the
7 following:
8 "DIVISION II
9 PROPERTY ASSESSMENT".
10
11 3. Page 20, line 26, by inserting after the word
12 "this" the following: "division of this".
13 4. Page 20, by inserting before line 30, the
14 following:
15 "DIVISION III
16 MAXIMUM PROPERTY TAX DOLLARS
17 Sec. __. Section 24.48, unnumbered paragraphs 4,
18 5, and 7, Code 2005, are amended by striking the
19 unnumbered paragraphs.
20 Sec. __. Section 24.48, unnumbered paragraph 6,
21 Code 2005, is amended to read as follows:
22 For purposes of this section only, "political
23 subdivision" means a ~~city~~, school district, or any
24 other special purpose district which certifies its

25 budget to the county auditor and derives funds from a
 26 property tax levied against taxable property situated
 27 within the political subdivision.
 28 Sec. __. Section 331.263, subsection 2, Code
 29 2005, is amended to read as follows:
 30 2. The governing body of the community
 31 commonwealth shall have the authority to levy county
 32 taxes and shall have the authority to levy city taxes
 33 to the extent the city tax levy authority is
 34 transferred by the charter to the community
 35 commonwealth. A city participating in the community
 36 commonwealth shall transfer a portion of the city's
 37 tax levy authorized under section 384.1 or 384.12,
 38 whichever is applicable, to the governing body of the
 39 community commonwealth. The maximum ~~rates~~ amount of
 40 taxes authorized to be levied under ~~sections~~ section
 41 384.1 and the maximum rates of taxes authorized to be
 42 levied under section 384.12 by a city participating in
 43 the community commonwealth shall be reduced by an
 44 amount equal to the rates of the same or similar taxes
 45 levied in the city by the governing body of the
 46 community commonwealth.
 47 Sec. __. Section 331.325, Code 2005, is amended
 48 to read as follows:
 49 331.325 CONTROL AND MAINTENANCE OF PIONEER
 50 CEMETERIES – CEMETERY COMMISSION.

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1 1. As used in this section, "pioneer cemetery"
 2 means a cemetery where there have been six or fewer
 3 burials in the preceding fifty years.
 4 2. Each county board of supervisors may adopt an
 5 ordinance assuming jurisdiction and control of pioneer
 6 cemeteries in the county. The board shall exercise
 7 the powers and duties of township trustees relating to
 8 the maintenance and repair of cemeteries in the county
 9 as provided in sections 359.28 through 359.41 except
 10 that the board shall not certify a tax levy pursuant
 11 to section 359.30 or 359.33 and except that the
 12 maintenance and repair of all cemeteries under the
 13 jurisdiction of the county including pioneer
 14 cemeteries shall be paid from the ~~county general~~
 15 cemetery fund. The maintenance and improvement
 16 program for a pioneer cemetery may include restoration
 17 and management of native prairie grasses and
 18 wildflowers.
 19 3. In lieu of management of the cemeteries, the
 20 board of supervisors may create, by ordinance, a
 21 cemetery commission to assume jurisdiction and
 22 management of the pioneer cemeteries in the county.
 23 The ordinance shall delineate the number of

24 commissioners, the appointing authority, the term of
25 office, officers, employees, organizational matters,
26 rules of procedure, compensation and expenses, and
27 other matters deemed pertinent by the board. The
28 board may delegate any power and duties relating to
29 cemeteries which may otherwise be exercised by
30 township trustees pursuant to sections 359.28 through
31 359.41 to the cemetery commission except the
32 commission shall not certify a tax levy pursuant to
33 section 359.30 or 359.33 and except that the expenses
34 of the cemetery commission shall be paid from the
35 ~~county general cemetery~~ fund.

36 4. Notwithstanding sections 359.30 and 359.33, the
37 costs of management, repair, and maintenance of
38 pioneer cemeteries shall be paid from the ~~county~~
39 ~~general cemetery~~ fund.

40 Sec. __. Section 331.423, Code 2005, is amended
41 by striking the section and inserting in lieu thereof
42 the following:

43 331.423 PROPERTY TAX DOLLARS – MAXIMUMS.

44 1. Annually, the board shall determine separate
45 property tax levy limits to pay for general county
46 services and rural county services in accordance with
47 this section. The property tax levies separately
48 certified for general county services and rural county
49 services in accordance with section 331.434 shall not
50 exceed the amount determined under this section.

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1 2. For purposes of this section and section

2 331.423A:

3 a. "Annual price index" means the sum of one plus
4 the change, computed to four decimal places, between
5 the preliminary price index for the third quarter of
6 the calendar year preceding the calendar year in which
7 the budget year begins and the revised price index for
8 the third quarter of the previous calendar year. The
9 price index used shall be the state and local
10 government chain-type price index used in the quantity
11 and price indexes for gross domestic product as
12 published by the United States department of commerce.

13 b. "Boundary adjustment" means annexation,
14 severance, incorporation, or discontinuance as those
15 terms are defined in section 368.1.

16 c. "Budget year" is the fiscal year beginning
17 during the calendar year in which a budget is
18 certified.

19 d. "Current fiscal year" is the fiscal year ending
20 during the calendar year in which a budget is
21 certified.

22 e. "Net new valuation taxes" means the amount of

23 property tax dollars equal to the certified general
24 rate for the current fiscal year for purposes of the
25 general fund, or the certified rural rate for the
26 current fiscal year for purposes of the rural services
27 fund, times the increase from the current fiscal year
28 to the budget year in taxable valuation due to the
29 following:
30 (1) New construction.
31 (2) Additions or improvements to existing
32 structures.
33 (3) Remodeling of existing structures for which a
34 building permit is required.
35 (4) Net boundary adjustment.
36 (5) A municipality no longer dividing tax revenues
37 in an urban renewal area as provided in section
38 403.19, to the extent that the incremental valuation
39 released is due to new construction or revaluation on
40 property newly constructed, additions or improvements
41 to existing property, net boundary adjustment, or
42 expiration of tax abatements, all occurring after the
43 division of revenue begins.
44 (6) That portion of taxable property located in an
45 urban revitalization area on which an exemption was
46 allowed and such exemption has expired.
47 3. a. For the fiscal year beginning July 1, 2008,
48 and subsequent fiscal years, the maximum amount of
49 property tax dollars which may be certified for levy
50 by a county for general county services and rural

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1 county services shall be the maximum property tax
2 dollars calculated under paragraphs "b" and "c",
3 respectively.
4 b. The maximum property tax dollars that may be
5 levied for general county services is an amount equal
6 to the sum of the following:
7 (1) The annual price index times the current
8 fiscal year's maximum property tax dollars for general
9 county services.
10 (2) The amount of net new valuation taxes in the
11 county.
12 c. The maximum property tax dollars that may be
13 levied for rural county services is an amount equal to
14 the sum of the following:
15 (1) The annual price index times the current
16 fiscal year's maximum property tax dollars for rural
17 county services.
18 (2) The amount of net new valuation taxes in the
19 unincorporated area of the county.
20 4. a. For purposes of calculating maximum
21 property tax dollars for general county services for

22 the fiscal year beginning July 1, 2008, only, the term
23 "current fiscal year's maximum property tax dollars"
24 shall mean the greater of the following:
25 (1) The actual taxes certified for the general
26 basic fund for either the fiscal year beginning July
27 1, 2006, or the fiscal year beginning July 1, 2007, as
28 selected by the county.
29 (2) The taxes that could have been certified for
30 the general basic fund for either the fiscal year
31 beginning July 1, 2006, or the fiscal year beginning
32 July 1, 2007, if the county had levied a rate of three
33 dollars and fifty cents per one thousand dollars of
34 valuation, as selected by the county.
35 b. For purposes of calculating maximum property
36 tax dollars for rural county services for the fiscal
37 year beginning July 1, 2008, only, the term "current
38 fiscal year's maximum property tax dollars" shall mean
39 the greater of the following:
40 (1) The actual taxes certified for the rural basic
41 fund for either the fiscal year beginning July 1,
42 2006, or the fiscal year beginning July 1, 2007, as
43 selected by the county.
44 (2) The taxes that could have been certified for
45 the rural basic fund for either the fiscal year
46 beginning July 1, 2006, or the fiscal year beginning
47 July 1, 2007, if the county had levied a rate of three
48 dollars and ninety-five cents per one thousand dollars
49 of valuation, as selected by the county.
50 c. Each county shall notify the department of

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1 management by August 1, 2007, whether it will use the
2 fiscal year beginning July 1, 2006, or the fiscal year
3 beginning July 1, 2007, for the calculation under this
4 subsection. If a county does not notify the
5 department by August 1, 2007, the fiscal year used for
6 the calculation under this subsection shall be the
7 fiscal year beginning July 1, 2007.
8 5. Property taxes certified for deposit in the
9 county general and rural supplemental funds in section
10 331.424, the mental health, mental retardation, and
11 developmental disabilities services fund in section
12 331.424A, the cemetery fund in section 331.424B, the
13 emergency services fund in section 331.424C, the debt
14 service fund in section 331.430, any capital projects
15 fund established by the county for deposit of bond,
16 loan, or note proceeds, and any increase approved
17 pursuant to sections 331.425 and 331.426, are not
18 included in the maximum amount of property tax dollars
19 that may be certified for a budget year under
20 subsection 3.

21 6. The department of management, in consultation
 22 with the county finance committee, shall adopt rules
 23 to administer this section. The department shall
 24 prescribe forms to be used by counties when making
 25 calculations required by this section.
 26 Sec. __. NEW SECTION. 331.423A ENDING FUND
 27 BALANCE LIMITATION.
 28 The county board of supervisors shall adopt a
 29 resolution on or before January 1, 2008, establishing
 30 a fund balance limitation in both the general basic
 31 and rural basic funds. The fund balance limitation
 32 shall be in the form of the unreserved, undesignated
 33 fund balance in each fund, expressed as a percentage
 34 of budgeted expenditures in the appropriate fund. The
 35 board of supervisors may change the fund balance
 36 limitation at any time after January 1, 2008, by
 37 adopting a resolution stating the new fund balance
 38 limitation.
 39 Sec. __. Section 331.424B, Code 2005, is amended
 40 to read as follows:
 41 331.424B CEMETERY LEVY.
 42 The board may levy annually a tax on all taxable
 43 property in the county not to exceed six and three-
 44 fourths cents per thousand dollars of the assessed
 45 value of all taxable property in the county to repair
 46 and maintain all cemeteries under the jurisdiction of
 47 the board including pioneer cemeteries and to pay
 48 other expenses of the board or the cemetery commission
 49 as provided in section 331.325. The proceeds of the
 50 tax levy shall be credited to the ~~county general~~

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1 cemetery fund.
 2 Sec. __. Section 331.425, unnumbered paragraph 1,
 3 Code 2005, is amended to read as follows:
 4 The board may certify an for levy property tax
 5 dollars in addition to ~~a levy in excess of the amounts~~
 6 ~~otherwise permitted under sections 331.423, 331.424,~~
 7 ~~and 331.426~~ the maximum amount of property tax dollars '
 8 Uthat may be levied, as computed under section 331.423,
 9 for the general basic fund and the rural basic fund if
 10 the proposition to certify ~~an addition to a levy~~
 11 additional property tax dollars has been submitted at
 12 a special levy election and received a favorable
 13 majority of the votes cast on the proposition. A
 14 special levy election is subject to the following:
 15 Sec. __. Section 331.425, subsection 3, Code
 16 2005, is amended by striking the subsection and
 17 inserting in lieu thereof the following:
 18 3. The proposition to exceed the maximum dollar
 19 amount shall be substantially in the following form:

20 "Vote "yes" or "no" on the following question:

21 Shall the county of _____ levy for an
 22 additional \$_____ each year for ___ years beginning
 23 July 1, _____, in excess of the statutory limits
 24 otherwise applicable for the (general county services
 25 or rural services) fund for the purposes of _____?"
 26 Sec. ___. Section 331.426, Code 2005, is amended
 27 to read as follows:

28 331.426 ~~ADDITIONS TO BASIC LEVIES~~ AUTHORITY TO
 29 LEVY BEYOND MAXIMUM PROPERTY TAX DOLLARS – UNUSUAL
 30 CIRCUMSTANCES.

31 If a county has unusual circumstances, creating a
 32 need for additional property ~~taxes~~ tax dollars for
 33 general county services or rural county services in
 34 excess of the maximum amount ~~that can be raised by the~~
 35 ~~levies otherwise permitted under sections 331.423~~
 36 ~~through 331.425 of property tax dollars computed under~~
 37 section 331.423, the board may certify additions to
 38 each of the basic levies as follows:

39 1. The basis for justifying ~~an~~ additional property
 40 tax dollars under this section must be one or more of
 41 the following:
 42 a. An unusual increase in population as determined
 43 by the preceding certified federal census.
 44 b. A natural disaster or other emergency.
 45 c. Unusual problems relating to major new
 46 functions required by state law.
 47 d. Unusual staffing problems.
 48 e. Unusual need for additional moneys to permit
 49 continuance of a program which provides substantial
 50 benefit to county residents.

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1 f. Unusual need for a new program which will
 2 provide substantial benefit to county residents, if
 3 the county establishes the need and the amount of
 4 necessary increased cost.
 5 g. A reduced or unusually low growth rate in the
 6 property tax base of the county.
 7 2. The public notice of a hearing on the county
 8 budget required by section 331.434, subsection 3,
 9 shall include the following additional information for
 10 the applicable class of services:
 11 a. A statement that the accompanying budget
 12 summary requires a proposed basic property tax rate
 13 exceeding the maximum rate ~~established by the general~~
 14 ~~assembly based on maximum property tax dollars~~
 15 computed under section 331.423.
 16 b. A comparison of the proposed basic tax rate
 17 with the maximum basic tax rate, and the dollar amount
 18 of the difference between the proposed rate and the

19 maximum rate.

20 c. A statement of the major reasons for the
21 difference between the proposed basic tax rate and the
22 maximum basic tax rate.

23 The information required by this subsection shall
24 be published in a conspicuous form as prescribed by
25 the committee.

26 Sec. ___. Section 331.435, unnumbered paragraph 1,
27 Code 2005, is amended to read as follows:

28 The board may amend the adopted county budget,
29 subject to sections 331.423 through 331.426 and other
30 applicable state law, to permit increases in any class
31 of proposed expenditures contained in the certified
32 ~~budget summary published under section 331.434,~~
33 ~~subsection 3.~~

34 Sec. ___. Section 357B.8, subsection 2, paragraph
35 c, Code 2005, is amended to read as follows:

36 c. The benefited fire district shall certify the
37 tax levy as provided in this subsection only after
38 agreement granted by resolution of the city council.
39 The amount of the tax rate levied under this
40 subsection shall reduce by an equal amount the maximum
41 ~~tax levy amount of taxes~~ authorized for the ~~general~~
42 ~~fund of that city~~ levy under section 384.1. If the
43 district levies directly against property within a
44 city to provide fire protection for that city, the
45 city shall not be responsible for providing fire
46 protection as provided in section 364.16, and shall
47 have no liability for the method, manner, or means in
48 which the district provides the fire protection.

49 Sec. ___. Section 373.10, Code 2005, is amended to
50 read as follows:

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1 373.10 TAXING AUTHORITY.

2 The metropolitan council shall have the authority
3 to levy city taxes to the extent the city tax levy
4 authority is transferred by the charter to the
5 metropolitan council. A member city shall transfer a
6 portion of the city's tax levy authorized under
7 section 384.1 or 384.12, whichever is applicable, to
8 the metropolitan council. The maximum ~~rates~~ amount o
9 taxes authorized to be levied under ~~sections~~ section
10 384.1 and the maximum rates of taxes authorized to be
11 levied under section 384.12 by a member city shall be
12 reduced by an amount equal to the rates of the same or
13 similar taxes levied in the city by the metropolitan
14 council.

15 Sec. ___. Section 384.1, Code 2005, is amended by
16 striking the section and inserting in lieu thereof the
17 following:

18 384.1 PROPERTY TAX DOLLARS – MAXIMUMS.

19 1. A city shall certify taxes to be levied by the
20 county on all taxable property within the city limits,
21 for all city government purposes. Annually, the city
22 council may certify basic levies for deposit in the
23 general fund, subject to the limitation on property
24 tax dollars provided in this section.

25 2. For purposes of this section and section

26 384.1A:

27 a. "Annual price index" means the sum of one plus
28 the change, computed to four decimal places, between
29 the preliminary price index for the third quarter of
30 the calendar year preceding the calendar year in which
31 the budget year begins and the revised price index for
32 the third quarter of the previous calendar year. The
33 price index used shall be the state and local
34 government chain-type price index used in the quantity
35 and price indexes for gross domestic product as
36 published by the United States department of commerce.

37 b. "Boundary adjustment" means annexation,
38 severance, incorporation, or discontinuance as those
39 terms are defined in section 368.1.

40 c. "Budget year" is the fiscal year beginning
41 during the calendar year in which a budget is
42 certified.

43 d. "Current fiscal year" is the fiscal year ending
44 during the calendar year in which a budget is
45 certified.

46 e. "Net new valuation taxes" means the amount of
47 property tax dollars equal to the certified general
48 rate for the current fiscal year for purposes of the
49 city general fund times the increase from the current
50 fiscal year to the budget year in taxable valuation

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1 due to the following:

2 (1) New construction.

3 (2) Additions or improvements to existing
4 structures.

5 (3) Remodeling of existing structures for which a
6 building permit is required.

7 (4) Net boundary adjustment.

8 (5) A municipality no longer dividing tax revenues
9 in an urban renewal area as provided in section
10 403.19, to the extent that the incremental valuation
11 released is due to new construction or revaluation on
12 property newly constructed, additions or improvements
13 to existing property, net boundary adjustment, or
14 expiration of tax abatements, all occurring after the
15 division of revenue begins.

16 (6) That portion of taxable property located in an

17 urban revitalization area on which an exemption was
18 allowed and such exemption has expired.

19 3. a. For the fiscal year beginning July 1, 2008,
20 and subsequent fiscal years, the maximum amount of
21 property tax dollars which may be certified by a city
22 for the general fund shall be the maximum property tax
23 dollars calculated under paragraph "b".

24 b. The maximum property tax dollars that may be
25 levied for deposit in the general fund is an amount
26 equal to the sum of the following:

27 (1) The annual price index times the current
28 fiscal year's maximum property tax dollars for the
29 general fund.

30 (2) The amount of net new valuation taxes.

31 4. a. For purposes of calculating maximum
32 property tax dollars for the city general fund for the
33 fiscal year beginning July 1, 2008, only, the term
34 "current fiscal year's maximum property tax dollars"
35 shall mean the greater of the following:

36 (1) The actual taxes certified for the general
37 fund for either the fiscal year beginning July 1,
38 2006, or the fiscal year beginning July 1, 2007, as
39 selected by the city.

40 (2) The taxes that could have been certified for
41 the general fund for either the fiscal year beginning
42 July 1, 2006, or the fiscal year beginning July 1,
43 2007, if the city had levied a rate of eight dollars
44 and ten cents per one thousand dollars of valuation,
45 as selected by the city.

46 b. Each city shall notify the department of
47 management by August 1, 2007, whether it will use the
48 fiscal year beginning July 1, 2006, or the fiscal year
49 beginning July 1, 2007, for the calculation under this
50 subsection. If a city does not notify the department

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1 by August 1, 2007, the fiscal year used for the
2 calculation under this subsection shall be the fiscal
3 year beginning July 1, 2007.

4 5. Property taxes certified for deposit in the
5 general fund do not include property taxes certified
6 for the debt service fund in section 384.4, trust and
7 agency funds in section 384.6, the capital
8 improvements reserve fund in section 384.7, any
9 capital projects fund established by the city for
10 deposit of bond, loan, or note proceeds, property
11 taxes collected from a voted levy in section 384.12,
12 and property taxes levied under section 384.12,
13 subsection 18, and any increase approved pursuant to
14 section 384.12A. Such taxes certified for these funds
15 and for these purposes shall not be included in the

16 maximum amount of property tax dollars that may be
17 certified for a budget year under subsection 3.

18 6. Notwithstanding the maximum amount of taxes a
19 city may certify for levy, the tax certified for levy
20 by a city on tracts of land and improvements on the
21 tracts of land used and assessed for agricultural or
22 horticultural purposes shall not exceed three dollars
23 and three-eighths cents per thousand dollars of
24 assessed value in any year. Improvements located on
25 such tracts of land and not used for agricultural or
26 horticultural purposes and all residential dwellings
27 are subject to the same rate of tax certified for levy
28 by the city on all other taxable property within the
29 city.

30 7. The department of management, in consultation
31 with the city finance committee, shall adopt rules to
32 administer this section. The department shall
33 prescribe forms to be used by cities when making
34 calculations required by this section.

35 Sec. __. **NEW SECTION. 384.1A ENDING FUND**
36 **BALANCE LIMITATION.**

37 The city council shall adopt a resolution on or
38 before January 1, 2008, establishing a fund balance
39 limitation for the city general fund. The fund
40 balance limitation shall be in the form of the
41 unreserved, undesignated fund balance in the fund,
42 expressed as a percentage of budgeted expenditures in
43 the fund. The city council may change the fund
44 balance limitation at any time after January 1, 2008,
45 by adopting a resolution stating the new fund balance
46 limitation.

47 Sec. __. Section 384.3, Code 2005, is amended to
48 read as follows:

49 384.3 GENERAL FUND.

50 All moneys received for city government purposes

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1 from taxes and other sources must be credited to the
2 general fund of the city, except that moneys received
3 for the purposes of the debt service fund, the trust
4 and agency funds, the capital improvements reserve
5 fund, ~~the emergency fund~~ and other funds established
6 by state law must be deposited as otherwise required
7 or authorized by state law. All moneys received by a
8 city from the federal government must be reported to
9 the department of management who shall transmit a copy
10 to the legislative services agency.

11 Sec. __. Section 384.12, subsection 20,
12 unnumbered paragraph 1, Code 2005, is amended by
13 striking the unnumbered paragraph and inserting in
14 lieu thereof the following:

15 The city council may certify for levy property tax
 16 dollars in addition to the maximum amount of property
 17 tax dollars computed under section 384.1 provided the
 18 question has been submitted at a special levy election
 19 and received a simple majority of the votes cast on
 20 the proposition.

21 Sec. __. Section 384.12, subsection 20, paragraph
 22 c, Code 2005, is amended by striking the paragraph and
 23 inserting in lieu thereof the following:

24 c. The proposition to exceed the maximum dollar
 25 amount shall be substantially in the following form:

26 "Vote "yes" or "no" on the following question:

27 Shall the city of _____ levy for an additional
 28 \$_____ each year for ____ years beginning July 1,
 29 _____, in excess of the statutory limits otherwise
 30 applicable for the city general fund for the purposes
 31 of _____?"

32 Sec. __. NEW SECTION. 384.12A AUTHORITY TO LEVY
 33 BEYOND MAXIMUM PROPERTY TAX DOLLARS – UNUSUAL
 34 CIRCUMSTANCES.

35 If a city has unusual circumstances, creating a
 36 need for additional property tax dollars in excess of
 37 the maximum amount of property tax dollars computed
 38 under section 384.1, the city council may certify
 39 additional property tax dollars for deposit in the
 40 general fund as follows:

41 1. The basis for justifying additional property
 42 tax dollars under this section must be one or more of
 43 the following:

44 a. An unusual increase in population as determined
 45 by the preceding certified federal census.

46 b. A natural disaster or other emergency.

47 c. Unusual problems relating to major new
 48 functions required by state law.

49 d. Unusual staffing problems.

50 e. Unusual need for additional moneys to permit

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1 continuance of a program which provides substantial
 2 benefit to city residents.

3 f. Unusual need for a new program which will
 4 provide substantial benefit to city residents, if the
 5 city establishes the need and the amount of necessary
 6 increased cost.

7 g. A reduced or unusually low growth rate in the
 8 property tax base of the city.

9 2. The public notice of a hearing on the city
 10 budget required by section 384.16 shall include the
 11 following additional information for the applicable
 12 class of services:

13 a. A statement that the accompanying budget

14 summary requires a proposed property tax rate
15 exceeding the maximum rate based on maximum property
16 tax dollars computed under section 384.1.
17 b. A comparison of the proposed basic tax rate
18 with the maximum basic tax rate, and the dollar amount
19 of the difference between the proposed rate and the
20 maximum rate.
21 c. A statement of the major reasons for the
22 difference between the proposed basic tax rate and the
23 maximum basic tax rate.
24 The information required by this subsection shall
25 be published in a conspicuous form as prescribed by
26 the city finance committee.
27 Sec. __. Section 384.18, subsection 3, Code 2005,
28 is amended to read as follows:
29 3. To permit transfers from the debt service fund,
30 the capital improvements reserve fund, ~~the emergency~~
31 ~~fund~~, or other funds established by state law, to any
32 other city fund, unless specifically prohibited by
33 state law.
34 Sec. __. Section 386.8, Code 2005, is amended to
35 read as follows:
36 386.8 OPERATION TAX.
37 A city may establish a self-supported improvement
38 district operation fund, and may certify taxes not to
39 exceed the rate limitation as established in the
40 ordinance creating the district, or any amendment
41 thereto, each year to be levied for the fund against
42 all of the property in the district, for the purpose
43 of paying the administrative expenses of the district,
44 which may include but are not limited to
45 administrative personnel salaries, a separate
46 administrative office, planning costs including
47 consultation fees, engineering fees, architectural
48 fees, and legal fees and all other expenses reasonably
49 associated with the administration of the district and
50 the fulfilling of the purposes of the district. The

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1 taxes levied for this fund may also be used for the
2 purpose of paying maintenance expenses of improvements
3 or self-liquidating improvements for a specified
4 length of time with one or more options to renew if
5 such is clearly stated in the petition which requests
6 the council to authorize construction of the
7 improvement or self-liquidating improvement, whether
8 or not such petition is combined with the petition
9 requesting creation of a district. Parcels of
10 property which are assessed as residential property
11 for property tax purposes are exempt from the tax
12 levied under this section except residential

13 properties within a duly designated historic district.
 14 A tax levied under this section is not subject to the
 15 maximum dollars levy limitation in section 384.1.
 16 Sec. __. Section 386.9, Code 2005, is amended to
 17 read as follows:
 18 386.9 CAPITAL IMPROVEMENT TAX.
 19 A city may establish a capital improvement fund for
 20 a district and may certify taxes, not to exceed the
 21 rate established by the ordinance creating the
 22 district, or any subsequent amendment thereto, each
 23 year to be levied for the fund against all of the
 24 property in the district, for the purpose of
 25 accumulating moneys for the financing or payment of a
 26 part or all of the costs of any improvement or self-
 27 liquidating improvement. However, parcels of property
 28 which are assessed as residential property for
 29 property tax purposes are exempt from the tax levied
 30 under this section except residential properties
 31 within a duly designated historic district. A tax
 32 levied under this section is not subject to the
 33 maximum dollars levy ~~limitations~~ limitation in section
 34 384.1 or the levy rate limitation in section 384.7.
 35 Sec. __. Section 384.8, Code 2005, is repealed.
 36 Sec. __. APPLICABILITY DATE. This division of
 37 this Act takes effect July 1, 2007, and applies to the
 38 fiscal year beginning July 1, 2008, and all subsequent
 39 fiscal years."
 40 5. Title page, line 3, by inserting after the
 41 word "requirements," the following: "imposing a
 42 maximum dollars limitation on cities and counties and
 43 including an applicability provision,".
 44 6. By renumbering as necessary.

Amendment [H-1460](#) lost.

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

On the question "Shall the bill pass?" ([H.F. 847](#))

The ayes were, 65:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Freeman	Frevert	Gipp	Greiner
Heaton	Hoffman	Horbach	Huseman
Huser	Hutter	Jacobs	Jones

Kaufmann	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Olson, R.	Olson, S.	Paulsen
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Shomshor	Soderberg	Struyk
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Whitaker	Wilderdyke	Wise
Mr. Speaker			
Rants			

The nays were, 34:

Berry	Davitt	Fallon	Foege
Ford	Gaskill	Granzow	Heddens
Hogg	Hunter	Jacoby	Jenkins
Jochum	Kressig	Kuhn	Lensing
Mascher	Miller	Murphy	Oldson
Olson, D.	Petersen	Pettengill	Schueller
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitead
Winckler	Zirkelbach		

Absent or not voting, 1:

Bukta

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 847](#) and [Senate Concurrent Resolution 14](#).

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 21, 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 350](#), a bill for an act relating to the suspension of a child support obligation.

Also: That the Senate has on April 21, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 405](#), a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

[House File 874](#), by committee on ways and means, a bill for an act relating to the regulation of whitetail, and providing for fees and penalties.

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

[House File 875](#), by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including effective and retroactive applicability date provisions.

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

SENATE MESSAGE CONSIDERED

[Senate File 405](#), by committee on ways and means, a bill for an act establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

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

EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 21, 2005. Had I been present, I would have voted "aye" on House Files 682, 683, 745, 801 and Senate Files 323, 330 and 355.

FREVERT of Palo Alto

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**The Chief Clerk of the House submitted the following report:**

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 21st day of April, 2005: House Files 613, 641, 726, 760, 768, 776 and 784.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON
Chief Clerk of the House

- | | |
|-----------|---|
| 2005\1278 | Charles and Lois Kruse, Denison – For celebrating their 50 th wedding anniversary. |
| 2005\1279 | Wilbur and Winola Wienert, Holstein – For celebrating their 60 th wedding anniversary. |
| 2005\1280 | Darrell and Betty Swanson, Dension – For celebrating their 50 th wedding anniversary. |
| 2005\1281 | John and Verda Lintin, Mapleton – For celebrating their 60 th wedding anniversary. |
| 2005\1282 | Dorothy Petersen, Battle Creek – For celebrating her 85 th birthday. |
| 2005\1283 | Albert Dose, Battle Creek – For celebrating his 80 th birthday. |
| 2005\1284 | Richard and Mary Vogel, Jesup – For celebrating their 50 th wedding anniversary. |
| 2005\1285 | Howard and Joy Saunders, Independence – For celebrating their 50 th wedding anniversary. |
| 2005\1286 | Jeannette Schweitzer, Independence –For celebrating her 80 th birthday. |

- 2005\1287 Michael Sewell, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1288 Tyler Joseph Coleman, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1289 Andrew Hamann, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1290 Jason Wesselman, Milford – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1291 Giff and Ruth Covault, Guthrie Center – For celebrating their 60th wedding anniversary.
- 2005\1292 Dale and Virginia Purcell, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\1293 Rolland Betts, Guthrie Center – For celebrating his 80th birthday.
- 2005\1294 Edna Relph, Russell – For celebrating her 90th birthday.
- 2005\1295 Lovell and Darlene Cummins, Lehigh – For celebrating their 50th wedding anniversary.
- 2005\1296 Dale and Sharon Reedy, Humboldt – For celebrating their 50th wedding anniversary.
- 2005\1297 Harold Gerard, Lehigh – For celebrating his 80th birthday.
- 2005\1298 Mary Podlesak, Lehigh – For celebrating her 80th birthday.
- 2005\1299 Patrick John Crawford, Denison – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENTS

[House File 870](#)

Commerce, Regulation and Labor: Horbach, Chair; Hoffman and Oldson.

[House File 872](#)

Local Government: Schickel, Chair; Arnold, Gaskill, D. Olson, Rasmussen, Schueller and Van Engelenhoven.

[House File 873](#)

Education: Raecker, Chair; Chambers, Dolecheck, Oldson, Tymeson, Wendt and Winckler.

COMMITTEE RECOMMENDATIONS

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

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 303](#)), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, vertical infrastructure fund, general fund of the state, and related matters, and including an effective date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

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

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment** [H-1465](#) April 21, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 759](#)), relating to the keeping of farm deer, and providing for fees and the appropriation of the fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 20, 2005.

AMENDMENTS FILED

H-1462	H.F.	863	Hogg of Linn
H-1465	S.F.	403	Committee on Government Oversight
H-1469	S.F.	350	Senate Amendment
H-1471	S.F.	272	Carroll of Poweshiek
H-1472	H.F.	868	Ford of Polk

<u>H-1473</u>	<u>S.F.</u>	<u>395</u>	Winckler of Scott
			Jochum of Dubuque
			Shoultz of Black Hawk
<u>H-1474</u>	<u>H.F.</u>	<u>861</u>	Struyk of Pottawattamie
<u>H-1475</u>	<u>H.F.</u>	<u>868</u>	Schueller of Jackson
Bell of Jasper			Berry of Black Hawk
Bukta of Clinton			Cohoon of Des Moines
Fallon of Polk			Ford of Polk
Gaskill of Wapello			Heddens of Story
Jacoby of Johnson			Jochum of Dubuque
Kressig of Black Hawk			Lensing of Johnson
Lykam of Scott			Mascher of Johnson
Mertz of Kossuth			Miller of Webster
Murphy of Dubuque			Oldson of Polk
Petersen of Polk			Pettengill of Benton
Reichert of Muscatine			Shomshor of Pottawattamie
Smith of Marshall			T. Taylor of Linn
Wendt of Woodbury			Wessel-Kroeschell of Story
Whitaker of Van Buren			Whitead of Woodbury
Winckler of Scott			Wise of Lee
Zirkelbach of Jones			

On motion by Gipp of Winneshiek the House adjourned at 2:28 p.m., until 9:00 a.m., Friday, April 22, 2005.