

PROOF

STATE OF IOWA

House Journal

TUESDAY, APRIL 26, 2005

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JOURNAL OF THE HOUSE

One Hundred Seventh Calendar Day - Seventy-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 26, 2005

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jane Sheperd, pastor of Gowrie United Methodist Church, Gowrie. She was the guest of Representative David Tjepkes from Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, April 25, 2005 was approved.

SPECIAL PRESENTATION

Bell of Jasper and Jenkins of Black Hawk introduced to the House a delegation from Taiwan including Director General Chen who spoke briefly regarding trade relations and thanking the Iowa House and Senate for adopting resolutions supporting trade with Taiwan.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:02 a.m., until 10:30 a.m.

AFTERNOON SESSION

The House reconvened at 12:04 p.m., Roberts of Carroll in the chair.

INTRODUCTION OF BILLS

House File 876, by committee on ways and means, a bill for an act relating to mental health, mental retardation, developmental

disabilities, and brain injury service requirements and including an effective and applicability date.

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

[House File 877](#), 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 placed on the **ways and means calendar**.

[House File 878](#), by committee on ways and means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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

[House File 879](#), by committee on ways and means, a bill for an act relating to the regulation of snowmobiles and establishing fees.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 2005, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

[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.

Also: That the Senate has on April 26, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 413](#), a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

MICHAEL E. MARSHALL, Secretary

On motion by Jacobs of Polk, the House was recessed at 12:05 p.m., until 1:00 p.m.

AFTERNOON SESSION

The House reconvened at 1:24 p.m., Paulsen of Linn in the chair.

The House stood at ease at 1:24 p.m., until the fall of the gavel.

The House resumed session at 2:56 p.m., Roberts of Carroll in the chair.

QUORUM CALL

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

ADOPTION OF [HOUSE RESOLUTION 50](#)

Paulsen of Linn called up for consideration [House Resolution 50](#), a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study of issues related to the costs of professional liability (malpractice) insurance for health care providers in Iowa, as follows:

Jochum of Dubuque offered the following amendment [H-1493](#) filed by her from the floor and moved its adoption:

[H-1493](#)

- 1 Amend [House Resolution 50](#) as follows:
- 2 1. Page 1, by striking line 30, and inserting the
- 3 following: "requirements, and applicable federal and
- 4 state law, including a review of chapter 519A, Iowa's
- 5 medical malpractice insurance statute."
- 6 2. By renumbering as necessary.

Amendment [H-1493](#) was adopted.

Swaim of Davis offered the following amendment [H-1487](#) filed by him from the floor and moved its adoption:

[H-1487](#)

- 1 Amend [House Resolution 50](#) as follows:
- 2 1. Page 2, line 3, by striking the word "three"
- 3 and inserting the following: "four".
- 4 2. Page 2, line 5, by striking the words "one
- 5 member" and inserting the following: "two members".

Amendment [H-1487](#) lost.

On motion by Paulsen of Linn the resolution, as amended, was adopted.

CONSIDERATION OF BILLS
Ways and Means Calendar

[House File 866](#), a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times, was taken up for consideration.

Tymeson of Madison offered the following amendment [H-1485](#) filed by her, Upmeyer of Hancock, Kaufmann of Cedar and Paulsen of Linn from the floor as follows:

[H-1485](#)

- 1 Amend [House File 866](#) as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 1, by inserting after line 9 the
- 6 following:
- 7 "NEW SUBSECTION. 68B. The sales price from the
- 8 sale of general school supplies which are intended for
- 9 classroom use if all of the following apply:
- 10 a. The sales price of each item is less than
- 11 twenty dollars.
- 12 b. The sale takes place during a period beginning
- 13 at 12:01 a.m. on the first Friday in August and ending
- 14 at midnight on the following Saturday."
- 15 3. Title page, line 2, by inserting after the
- 16 word "computers" the following: "and general school
- 17 supplies".

Mascher of Johnson rose on a point of order requesting a fiscal note for amendment [H-1485](#).

Gipp of Winneshiek asked and received unanimous consent that [House File 866](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1485](#) pending)

Appropriations Calendar

[House File 875](#), 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, was taken up for consideration.

Wise of Lee asked and received unanimous consent to defer amendment [H-1489](#).

Gipp of Winneshiek asked and received unanimous consent that [House File 875](#) be deferred and that the bill retain its place on the calendar.

Ways and Means Calendar

[House File 871](#), a bill for an act providing for income tax credits for the cost of purchasing health insurance coverage by certain small employers and providing effective and retroactive applicability dates, was taken up for consideration.

Davitt of Warren offered the following amendment [H-1509](#) filed by him and Kaufmann of Cedar from the floor and moved its adoption:

[H-1509](#)

- 1 Amend [House File 871](#) as follows:
- 2 1. Page 1, by inserting after line 24, the
- 3 following:
- 4 "___ . If a small employer elects to take the small
- 5 employer health insurance coverage tax credit, the
- 6 small employer shall reduce, by the amount used in the
- 7 computation of the credit, the deduction for Iowa
- 8 income tax purposes of the cost of health insurance
- 9 premiums paid by the employer during the tax year in
- 10 which the tax credit is computed, that is deductible
- 11 for federal tax purposes."
- 12 2. Page 3, line 2, by striking the words and

13 figure ", as defined in section 513B.2,"
 14 3. Page 3, line 3, by inserting after the word
 15 "coverage" the following: ", as defined in section
 16 513B.2,".
 17 4. Page 3, by inserting after line 19, the
 18 following:
 19 "___ . If a small employer elects to take the small
 20 employer health insurance coverage tax credit, the
 21 small employer shall reduce, by the amount used in the
 22 computation of the credit, the deduction for Iowa
 23 income tax purposes of the cost of health insurance
 24 premiums paid by the employer during the tax year in
 25 which the tax credit is computed, that is deductible
 26 for federal tax purposes."
 27 5. By renumbering as necessary.

Amendment [H-1509](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 871](#))

The ayes were, 97:

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	Heaton
Heddens	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rayhons	Reasoner	Reichert
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
Roberts,
Presiding

The nays were, none.

Absent or not voting, 3:

Greiner Hoffman Rasmussen

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

HOUSE FILE 689 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 689](#) from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 871](#) be immediately messaged to the Senate.

[House File 860](#), a bill for an act establishing a tax credit certificate transfer program, was taken up for consideration.

Soderberg of Plymouth offered the following amendment [H-1511](#) filed by him from the floor and moved its adoption:

[H-1511](#)

- 1 Amend [House File 860](#) as follows:
- 2 1. Page 2, line 19, by inserting after the word
- 3 "V." the following: "Any tax credit in excess of the
- 4 tax liability for the tax year may be credited to the
- 5 tax liability for the following seven years or until
- 6 depleted, whichever occurs first."

Amendment [H-1511](#) was adopted.

Soderberg of Plymouth 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. 860](#))

The ayes were, 74:

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

The nays were, 23:

Bukta	Cohoon	Fallon	Foege
Ford	Gaskill	Hogg	Hunter
Jacoby	Jochum	Kuhn	Lensing
Mascher	Oldson	Olson, R.	Petersen
Shoultz	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Winckler	

Absent or not voting, 3:

Baudler	Murphy	Rants, Spkr.
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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 860](#) be immediately messaged to the Senate.

INTRODUCTION OF BILL

[House File 880](#), by committee on ways and means, a bill for an act relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

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

SENATE MESSAGE CONSIDERED

[Senate File 413](#), by committee on ways and means, a bill for an act relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

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

The House resumed consideration of [House File 875](#), 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, previously deferred and found on page 1490 of the House Journal.

Dix of Butler offered amendment [H-1505](#) filed by him from the floor as follows:

[H-1505](#)

- 1 Amend [House File 875](#) as follows:
- 2 1. Page 1, by inserting after line 1 the
- 3 following:
- 4 "STATE GENERAL FUND
- 5 Section 1. There is appropriated from the general
- 6 fund of the state to the following departments and
- 7 agencies for the fiscal year beginning July 1, 2005,
- 8 and ending June 30, 2006, the following amounts, or so
- 9 much thereof as is necessary, to be used for the
- 10 purposes designated:
- 11 1. DEPARTMENT OF CORRECTIONS
- 12 a. For maintenance costs of the department of
- 13 corrections and board of parole associated with the
- 14 department of administrative services:
- 15 \$ 105,300
- 16 b. For rent payments for the community-based
- 17 corrections facility located in Davenport and the Vine
- 18 street building located in West Des Moines:
- 19 \$ 122,000
- 20 2. DEPARTMENT OF CULTURAL AFFAIRS
- 21 For continuation of the project recommended by the
- 22 Iowa battle flag advisory committee to stabilize the

23 condition of the battle flag collection:
 24 \$ 220,000
 25 3. DEPARTMENT OF EDUCATION
 26 To the vocational rehabilitation division to
 27 replace lost indirect costs:
 28 \$ 101,164
 29 4. DEPARTMENT OF PUBLIC SAFETY
 30 For capitol building and judicial building
 31 security:
 32 \$ 800,000
 33 DIVISION II"
 34 2. Page 1, line 29, by striking the figure
 35 "1,925,427" and inserting the following: "3,151,891".
 36 3. Page 2, by striking lines 7 through 10.
 37 4. Page 2, by striking lines 21 through 25.
 38 5. By striking page 2, line 31, through page 3,
 39 line 5.
 40 6. Page 3, by striking lines 17 through 19.
 41 7. By striking page 4, line 34, through page 5,
 42 line 1.
 43 8. Page 5, by striking lines 15 and 16.
 44 9. Page 8, by inserting after line 4 the
 45 following:
 46 "Sec. __. Section 8.57B, subsection 4, Code 2005,
 47 is amended to read as follows:
 48 4. There is appropriated from the rebuild Iowa
 49 infrastructure fund to the vertical infrastructure
 50 fund, the following:

Page 2

1 a. For the fiscal year beginning July 1, 2005, and
 2 ending June 30, 2006, the sum of fifteen million
 3 dollars.
 4 b. For the fiscal year beginning July 1, 2006, and
 5 ending June 30, 2007, the sum of fifteen million
 6 dollars.
 7 c. For the fiscal year beginning July 1, 2007, and
 8 ending June 30, 2008, the sum of fifty million
 9 dollars.
 10 d. For the fiscal year beginning July 1, 2008, and
 11 ending June 30, 2009, the sum of fifty million
 12 dollars."
 13 10. Page 19, line 8, by inserting after the word
 14 "fund" the following: "for the fiscal year that
 15 begins July 1, 2005,".
 16 11. Page 19, by inserting after line 14 the
 17 following:
 18 "Sec. __. DEPARTMENT OF ADMINISTRATIVE SERVICES.
 19 1. There is appropriated from the vertical
 20 infrastructure fund to the department of
 21 administrative services for the designated fiscal

22 years, the following amounts, or so much thereof as if
 23 necessary, to be used for the purposes designated:
 24 For major renovation and major repair needs,
 25 including health, life, and fire safety needs, and for
 26 compliance with the federal Americans With
 27 Disabilities Act, for state buildings and facilities
 28 under the purview of the department:
 29 FY 2006-2007 \$ 10,000,000
 30 FY 2007-2008 \$ 40,000,000
 31 FY 2008-2009 \$ 40,000,000
 32 Notwithstanding section 8.33, moneys appropriated
 33 in this section shall not revert at the close of the
 34 fiscal year for which they were appropriated but shall
 35 remain available for the purposes designated until the
 36 close of the fiscal year that begins July 1, 2010, or
 37 until the project for which the appropriation was made
 38 is completed, whichever is earlier."
 39 12. By renumbering as necessary.

Dix of Butler offered amendment [H-1525](#), to amendment [H-1505](#),
 filed by him from the floor as follows:

[H-1525](#)

1 Amend the amendment, [H-1505](#), to [House File 875](#) as
 2 follows:
 3 1. Page 1, line 35, by striking the figure
 4 "3,151,891" and inserting the following: "3,291,891".

Amendment [H-1525](#) was adopted.

Reichert of Muscatine asked and received unanimous consent to
 withdraw amendment [H-1521](#) to amendment [H-1505](#), filed by him
 from the floor.

Division was requested on amendment [H-1505](#), as amended, as
 follows:

Page 1, Lines 2 through 37, Line 40, Line 43 and Page 2, lines 2
 through 38, Division A.

Page 1, Lines 38 through 39 and Lines 41 through 42, Division B.

Dix of Butler asked and received unanimous consent that
 amendment [H-1505A](#) be deferred.

Dix of Butler asked and received unanimous consent to withdraw
 amendment [H-1505B](#).

Pettengill of Benton offered the following amendment [H-1503](#) filed by Pettengill, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Mascher of Johnson, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Jacoby of Johnson, Oldson of Polk, Ford of Polk, Thomas of Clayton, R. Olson of Polk, Swaim of Davis, Schueller of Jackson, Reasoner of Union, Reichert of Muscatine, Petersen of Polk, Hogg of Linn, Foege of Linn, Whitaker of Van Buren, Heddens of Story, D. Olson of Boone, Frevert of Palo Alto, Wessel-Kroeschell of Story, Lensing of Johnson, Winckler of Scott, Kressig of Black Hawk, Miller of Webster, Zirkelbach of Jones, T. Taylor of Linn, Jochum of Dubuque, Gaskill of Wapello, Smith of Marshall, Bukta of Clinton, Murphy of Dubuque, D. Taylor of Linn, Dandekar of Linn, Hunter of Polk, Fallon of Polk, Whitead of Woodbury and Kuhn of Floyd from the floor and moved its adoption:

[H-1503](#)

- 1 Amend [House File 875](#) as follows:
- 2 1. Page 3, line 10, by striking the figure
- 3 "600,000" and inserting the following: "900,000".

Roll call was requested by Cohoon of Des Moines and Reasoner of Union.

On the question "Shall amendment [H-1503](#) be adopted?" ([H.F. 875](#))

The ayes were, 49:

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

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef

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

Absent or not voting, none.

Amendment [H-1503](#) lost.

Ford of Polk offered the following amendment [H-1533](#) filed by him from the floor and moved its adoption:

[H-1533](#)

1 Amend [House File 875](#) as follows:
 2 1. Page 3, by inserting after line 19 the
 3 following:
 4 "___ DEPARTMENT OF HUMAN RIGHTS
 5 For capital improvements at the African-American
 6 museum in Cedar Rapids:
 7 \$ 250,000"

A non-record roll call was requested.

The ayes were 50, nays 50.

Amendment [H-1533](#) lost.

Hunter of Polk offered the following amendment [H-1488](#) filed by him from the floor and moved its adoption:

[H-1488](#)

1 Amend [House File 875](#) as follows:
 2 1. Page 4, by inserting after line 33 the
 3 following:
 4 "___ For the southside Des Moines YMCA swimming
 5 pool capital improvement project:
 6 \$ 150,000"

Amendment [H-1488](#) lost.

Shoultz of Black Hawk offered the following amendment [H-1494](#) filed by Shoultz, Jenkins of Black Hawk, Kressig of Black Hawk, Berry of Black Hawk and Lukan of Dubuque from the floor and moved its adoption:

[H-1494](#)

1 Amend [House File 875](#) as follows:
2 1. Page 5, by inserting after line 10 the
3 following:
4 "Of the amount appropriated in this lettered
5 paragraph, \$100,000 shall be allocated to the Waterloo
6 fire regional training center. The moneys allocated
7 to the Waterloo fire regional training center are
8 contingent upon a match of \$200,000."

Amendment [H-1494](#) was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-1481](#), placing out of order amendment [H-1524](#) filed by Lukan of Dubuque from the floor.

Huseman of Cherokee offered the following amendment [H-1507](#) filed by him from the floor and moved its adoption:

[H-1507](#)

1 Amend [House File 875](#) as follows:
2 1. Page 6, by inserting after line 33 the
3 following:
4 "Sec. __. 2001 Iowa Acts, chapter 185, section
5 12, is amended to read as follows:
6 SEC. 12. REVERSION. Notwithstanding
7 1. Except as provided in subsection 2 and
8 notwithstanding section 8.33, moneys appropriated in
9 this division of this Act shall not revert at the
10 close of the fiscal year for which they were
11 appropriated but shall remain available for the
12 purposes designated until the close of the fiscal year
13 that begins July 1, 2004, or until the project for
14 which the appropriation was made is completed,
15 whichever is earlier.
16 2. Notwithstanding section 8.33, moneys
17 appropriated in section 6, subsection 1, of this
18 division of this Act shall not revert at the close of
19 the fiscal year for which they were appropriated but

20 shall remain available for the purpose designated
 21 until the close of the fiscal year that begins July 1,
 22 2005, or until the project for which the appropriation
 23 was made is completed, whichever is earlier."

24 2. Page 8, line 27, by inserting after the word
 25 "agreement," the following: "relating to the
 26 amendment to 2001 Iowa Acts, chapter 185, section
 27 12,".

28 3. Page 17, by inserting after line 18 the
 29 following:

30 "Sec. ___. 2001 Iowa Acts, chapter 185, section
 31 30, is amended to read as follows:

32 SEC. 30. REVERSION. ~~Notwithstanding~~
 33 1. Except as provided in subsection 2 and
 34 notwithstanding section 8.33, moneys appropriated in
 35 this division of this Act shall not revert at the
 36 close of the fiscal year for which they were
 37 appropriated but shall remain available for the
 38 purposes designated until the close of the fiscal year
 39 that begins July 1, 2004, or until the project for
 40 which the appropriation was made is completed,
 41 whichever is earlier.

42 2. Notwithstanding section 8.33, moneys
 43 appropriated in section 28 of this division of this
 44 Act shall not revert at the close of the fiscal year
 45 for which they were appropriated but shall remain
 46 available for the purpose designated until the close
 47 of the fiscal year that begins July 1, 2005, or until
 48 the project for which the appropriation was made is
 49 completed, whichever is earlier.

50 Sec. ___. EFFECTIVE DATE. The section of this

Page 2

1 division of this Act relating to the amendment to 2001
 2 Iowa Acts, chapter 185, section 30, being deemed of
 3 immediate importance, takes effect upon enactment."

4 4. Page 19, line 22, by striking the word
 5 "department" and inserting the following: "~~department~~
 6 authority".

7 5. Page 19, line 34, by striking the word
 8 "department" and inserting the following: "~~department~~
 9 authority".

10 6. Page 20, line 3, by striking the word
 11 "~~department~~" and inserting the following:
 12 "authority".

13 7. Page 20, line 5, by striking the word
 14 "department" and inserting the following: "~~department~~
 15 authority".

16 8. Page 20, by inserting after line 18, the
 17 following:
 18 "Sec. ___. Section 327H.26, Code 2005, is amended

19 to read as follows:

20 327H.26 ~~DEFINITION~~ DEFINITIONS.

21 As used in this chapter, unless the context

22 otherwise requires, "~~department~~":

23 1. "Department" means the state department of
24 transportation.

25 2. "Authority" means the railway finance authority
26 created in chapter 327I.

27 Sec. __. Section 327I.8, Code 2005, is amended by
28 adding the following new subsection:

29 NEW SUBSECTION. 8. Administer the railroad
30 revolving loan and grant fund as provided in section
31 327H.20A."

32 9. Page 20, by striking lines 23 through 26 and
33 inserting the following: "the state to the railroad
34 revolving loan fund established in section 327H.20A
35 for the fiscal year beginning July 1, 2004, and ending
36 June 30, 2005, an amount equal to the amount of the
37 loan".

38 10. Page 20, by striking lines 32 through 35 and
39 inserting the following: "the state to the railroad
40 revolving loan and grant fund established in section
41 327H.20A, as amended by this Act, for the fiscal year
42 beginning July 1, 2005, and ending June 30, 2006, an".

43 11. By renumbering as necessary.

Amendment [H-1507](#) was adopted.

Kressig of Black Hawk offered the following amendment [H-1517](#) filed by Kressig, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Hunter of Polk, T. Taylor of Linn, Jochum of Dubuque, Zirkelbach of Jones, Miller of Webster, Winckler of Scott, Lensing of Johnson, Wessel-Kroeschell of Story, Frevert of Palo Alto, D. Olson of Boone, Heddens of Story, Smith of Marshall, Dandekar of Linn, Gaskill of Wapello, Whitaker of Van Buren, Bukta of Clinton, D. Taylor of Linn, Jacoby of Johnson, Oldson of Polk, Lykam of Scott, Whitead of Woodbury, McCarthy of Polk, Ford of Polk, Thomas of Clayton, Shoultz of Black Hawk, R. Olson of Polk, Swaim of Davis, Pettengill of Benton, Schueller of Jackson, Reasoner of Union, Reichert of Muscatine, Petersen of Polk, Wise of Lee, Hogg of Linn, Fallon of Polk, Foege of Linn and Kuhn of Floyd from the floor and moved its adoption:

[H-1517](#)

1 Amend [House File 875](#) as follows:

- 2 1. Page 13, line 1, by striking the words
 3 "environment first fund" and inserting the following:
 4 "designated funds".
 5 2. Page 13, line 4, by striking the word "amount"
 6 and inserting the following: "amounts".
 7 3. Page 13, by striking line 6, and inserting the
 8 following:
 9 "1. From the environment first fund:
 10 \$ 11,000,000
 11 2. From the general fund of the state:
 12 \$ 4,500,000"

Roll call was requested by Cohoon of Des Moines and Murphy of Dubuque.

On the question "Shall amendment [H-1517](#) be adopted?" ([H.F. 875](#))

The ayes were, 49:

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

The nays were, 51:

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

Absent or not voting, none.

Amendment [H-1517](#) lost.

Oldson of Polk offered amendment [H-1502](#) filed by Oldson, Cohoon of Des Moines, Mertz of Kossuth, Davitt of Warren, Bell of Jasper, Mascher of Johnson, Shomshor of Pottawattamie, Berry of Black Hawk, Wendt of Woodbury, Ford of Polk, Shoultz of Black Hawk, R. Olson of Polk, Pettengill of Benton, D. Olson of Boone, Lensing of Johnson, Winckler of Scott, Kressig of Black Hawk, T. Taylor of Linn, Bukta of Clinton, Murphy of Dubuque, D. Taylor of Linn, Hunter of Polk, Whitead of Woodbury and Foege of Linn from the floor as follows:

[H-1502](#)

- 1 Amend [House File 875](#) as follows:
- 2 1. Page 17, line 27, by inserting before the word
- 3 "For" the following: "a."
- 4 2. Page 17, line 32, by striking the word
- 5 "subsection" and inserting the following: "lettered
- 6 paragraph".
- 7 3. Page 17, by inserting after line 35 the
- 8 following:
- 9 "b. For maintenance of the Terrace Hill complex:
- 10 \$ 571,000"

Huseman of Cherokee offered the following amendment [H-1520](#), to amendment [H-1502](#), filed by him and Cohoon of Des Moines from the floor and moved its adoption:

[H-1520](#)

- 1 Amend the amendment, [H-1502](#), to [House File 875](#) as
- 2 follows:
- 3 1. By striking everything after the amending
- 4 clause and inserting the following:
- 5 "___ . Page 2, by inserting after line 5 the
- 6 following:
- 7 "___ . For maintenance of the Terrace Hill complex:
- 8 \$ 571,000"
- 9 ___ . Page 4, line 14, by striking the figure
- 10 "1,000,000" and inserting the following: "429,000"."

Amendment [H-1520](#) was adopted, placing out of order amendment [H-1522](#) filed by Cohoon of Des Moines from the floor.

Dolecheck of Ringgold in the chair at 5:02 p.m.

On motion by Oldson of Polk, amendment [H-1502](#), as amended, was adopted.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-1489](#), previously deferred, filed by Wise of Lee from the floor, placing out of order amendments [H-1512](#) and [H-1523](#) filed by Dix of Butler from the floor.

On motion by Dix of Butler amendment [H-1505A](#), as amended, was adopted.

Huseman of Cherokee 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. 875](#))

The ayes were, 99:

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

The nays were, 1:

Fallon

Absent or not voting, none.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 26, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 420](#), a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Also: That the Senate has on April 26, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 805](#), a bill for an act relating to agricultural production including animal feeding operations, by providing for the regulation of open feedlot operations, and agricultural production liens, and providing for penalties.

Also: That the Senate has on April 26, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 819](#), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation.

Also: That the Senate has on April 26, 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 206](#), a bill for an act relating to deer population management and providing penalties and appropriations.

MICHAEL E. MARSHALL, Secretary

Unfinished Business Calendar

[House File 828](#), a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire

or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund, was taken up for consideration.

Freeman of Buena Vista offered the following amendment [H-1447](#) filed by her and Baudler of Adair and moved its adoption:

[H-1447](#)

1 Amend [House File 828](#) as follows:

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

4 "Section 1. Section 455A.4, subsection 1,
5 paragraph j, Code 2005, is amended by striking the
6 paragraph.

7 Sec. 2. Section 456A.37, subsection 1, paragraph
8 c, Code 2005, is amended to read as follows:

9 c. "Aquatic invasive species" means a species that
10 is not native to an ecosystem and whose introduction
11 causes or is likely to cause economic or environmental
12 harm or harm to human health including but not limited
13 to habitat alteration and degradation, and loss of
14 biodiversity. For the purposes of this section,
15 "aquatic invasive species" are limited to Eurasian
16 water milfoil, purple loosestrife, and zebra mussels,
17 ~~except as provided in subsection 4 and those species~~
18 ~~identified as "aquatic invasive species" by the~~
19 ~~commission by rule.~~

20 Sec. 3. Section 456A.37, subsection 4, unnumbered
21 paragraph 2, Code 2005, is amended to read as follows:

22 c. If the commission determines that an additional
23 species should be defined as an "aquatic invasive
24 species", the species ~~may~~ shall be defined by the
25 commission by rule as an "aquatic invasive species"
26 ~~subject to enactment of the definition by the general~~
27 ~~assembly at the next regular session of the general~~
28 ~~assembly. Failure of the general assembly to enact~~
29 ~~the definition pursuant to this paragraph constitutes~~
30 ~~a nullification of the definition effective upon~~
31 ~~adjournment of that next regular session of the~~
32 ~~general assembly."~~

33 2. Title page, line 1, by inserting after the
34 word "to" the following: "aquatic regulations and
35 activities, including aquatic invasive species,".

36 3. By renumbering as necessary.

Amendment [H-1447](#) was adopted.

May of Dickinson offered the following amendment [H-1484](#) filed by him from the floor and moved its adoption:

[H-1484](#)

1 Amend [House File 828](#) as follows:
 2 1. Page 2, by striking lines 13 through 18 and
 3 inserting the following: "~~After January 1 in even-~~
 4 ~~numbered years~~ When unregistered vessels are
 5 registered after May 1 of the second year of the
 6 three-year registration period, such unregistered
 7 vessels may be registered for the remainder of the
 8 current registration period at ~~fifty-six~~ sixty-six percent
 9 of the appropriate registration fee. When
 10 unregistered vessels are registered after May 1 of the
 11 third year of the three-year registration period, such
 12 unregistered vessels may be registered for the
 13 remainder of the current registration period at
 14 thirty-three percent of the appropriate registration
 15 fee."

Amendment [H-1484](#) was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-1231](#) filed by him on March 30, 2005.

Reichert of Muscatine asked and received unanimous consent to withdraw amendment [H-1516](#) filed by him from the floor.

May of Dickinson 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. 828](#))

The ayes were, 68:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Davitt	Drake	Eichhorn
Elgin	Fallon	Freeman	Frevert
Gaskill	Gipp	Granzow	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kressig
Kuhn	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
Mertz	Oldson	Olson, D.	Olson, R.

Olson, S.	Petersen	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Schickel	Schueller
Shoultz	Soderberg	Swaim	Taylor, D.
Taylor, T.	Tomenga	Tymeson	Upmeyer
Van Fossen, J.K.	Watts	Wendt	Wessel-Kroeschell
Whitead	Wilderdyke	Winckler	Dolecheck, Presiding

The nays were, 31:

Baudler	Cohoon	Dandekar	De Boef
Dix	Foege	Ford	Greiner
Huser	Hutter	Kaufmann	McCarthy
Miller	Murphy	Paulsen	Pettengill
Quirk	Raecker	Reasoner	Reichert
Sands	Shomshor	Smith	Struyk
Thomas	Tjepkes	Van Engelenhoven	Van Fossen, J.R.
Whitaker	Wise	Zirkelbach	

Absent or not voting, 1:

Kurtenbach

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 828 and 875.**

Ways and Means Calendar

House File 864, a bill for an act providing an exemption from and a refund of sales and use taxes on materials and services used in the construction of a building or addition to a building to be used as a collaborative educational facility and including effective and applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 864](#))

The ayes were, 79:

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

The nays were, 21:

Bukta	Eichhorn	Fallon	Foege
Gaskill	Heddens	Hunter	Jacoby
Jochum	Kuhn	Lensing	Mascher
Murphy	Schueller	Shoultz	Taylor, D.
Taylor, T.	Wessel-Kroeschell	Whitaker	Winckler
Zirkelbach			

Absent or not voting, none.

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

HOUSE FILES 149 and 640 WITHDRAWN

May of Dickinson asked and received unanimous consent to withdraw House Files 149 and 640 from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 864](#) be immediately messaged to the Senate.

Senate File 395, a bill for an act relating to the activities of the grape and wine development commission, and providing for the transfer of wine gallonage tax revenues to the grape and wine development fund, with report of committee recommending passage, was taken up for consideration.

Winckler of Scott asked and received unanimous consent to withdraw amendment **H-1473** filed by Winckler, et al., on April 21, 2005.

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

On the question "Shall the bill pass?" (**S.F. 395**)

The ayes were, 100:

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

The nays were, none.

Absent or not voting, none.

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

Unfinished Business Calendar

House File 539, a bill for an act relating to the membership of the council with which the director of human services consults regarding the medical assistance program, was taken up for consideration.

Tomenga of Polk offered amendment **H-1388** filed by him as follows:

H-1388

1 Amend **House File 539** as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 249A.4, subsection 8,
5 unnumbered paragraphs 1 and 3, Code 2005, are amended
6 to read as follows:
7 Shall advise and consult at least semiannually with
8 a council composed of the presidents or directors of
9 the following organizations or agencies, or a
10 president's representative who is a member of the
11 organization represented by the president, or a
12 director's representative: the Iowa medical society,
13 the Iowa osteopathic medical association, the Iowa
14 academy of family physicians, the Iowa chapter of the
15 American academy of pediatrics, the Iowa physical
16 therapy association, the Iowa dental association, the
17 Iowa nurses association, the Iowa pharmacy
18 association, the Iowa podiatric medical society, the
19 Iowa optometric association, the Iowa association of
20 community providers, the Iowa psychological
21 association, the Iowa psychiatric society, the Iowa
22 chapter of the national association of social workers,
23 the coalition for family and children's services in
24 Iowa, the Iowa hospital association, the Iowa
25 association of rural health clinics, the opticians'
26 association of Iowa, inc., the Iowa association of
27 hearing health professionals, the Iowa speech and
28 hearing association, the Iowa health care association,
29 the Iowa association of area agencies on aging, AARP,
30 the Iowa caregivers association, the Iowa coalition of
31 home and community-based services for seniors, the
32 Iowa adult day services association, the Iowa
33 association for home care, the Iowa council of health
34 care centers, the Iowa physician assistant society,
35 the Iowa association of nurse practitioners, the Iowa

36 nurse practitioner society, the Iowa occupational
37 therapy association, the Iowa association of homes and
38 services for the aging, the ARC of Iowa which was
39 formerly known as the association for retarded
40 citizens of Iowa, the alliance for the mentally ill of
41 Iowa, Iowa state association of counties, and the
42 governor's developmental disabilities council,
43 together with one person designated by the Iowa
44 chiropractic society; one state representative from
45 each of the two major political parties appointed by
46 the speaker of the house, one state senator from each
47 of the two major political parties appointed by the
48 president of the senate, after consultation with the
49 majority leader and the minority leader of the senate,
50 each for a term of two years; four public

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1 representatives, appointed by the governor for
2 staggered terms of two years each, none of whom shall
3 be members of, or practitioners of, or have a
4 pecuniary interest in any of the professions or
5 businesses represented by any of the several
6 professional groups and associations specifically
7 represented on the council under this subsection, and
8 at least one of whom shall be a recipient of medical
9 assistance; the director of public health, or a
10 representative designated by the director; the
11 director of the department of elder affairs, or a
12 representative designated by the director; the dean of
13 Des Moines university – osteopathic medical center,
14 or a representative designated by the dean; and the
15 dean of the university of Iowa college of medicine, or
16 a representative designated by the dean.
17 The director shall consider the advice and
18 consultation offered by the council in the director's
19 preparation of medical assistance budget
20 recommendations to the council on human services
21 pursuant to section 217.3."

Amendment [H-1388](#) was adopted, placing out of order amendment [H-1172](#) filed by Tomenga of Polk on March 23, 2005.

[SENATE FILE 272](#) SUBSTITUTED FOR [HOUSE FILE 539](#)

Tomenga of Polk asked and received unanimous consent to substitute [Senate File 272](#) for [House File 539](#).

[Senate File 272](#), a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program, was taken up for consideration.

Carroll of Poweshiek asked and received unanimous consent that amendment [H-1471](#) be deferred.

Tomenga of Polk offered amendment [H-1504](#) filed by him, Heddens of Story and Carroll of Poweshiek from the floor as follows:

[H-1504](#)

1 Amend [Senate File 272](#), as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. Section 217.3, subsection 4, Code
6 2005, is amended to read as follows:
7 4. Approve the budget of the department of human
8 services prior to submission to the governor. Prior
9 to approval of the budget, the council shall publicize
10 and hold a public hearing to provide explanations and
11 hear questions, opinions, and suggestions regarding
12 the budget. Invitations to the hearing shall be
13 extended to the governor, the governor-elect, the
14 director of the department of management, and other
15 persons deemed by the council as integral to the
16 budget process. The budget materials submitted to the
17 governor shall include a review of options for
18 revising the medical assistance program made available
19 by federal action or by actions implemented by other
20 states as identified by the department, the medical
21 assistance advisory council ~~and the executive~~
22 ~~committee of the medical assistance advisory council~~
23 ~~created in section 249A.4, subsection 8 249A.4B, and~~
24 by county representatives. The review shall address
25 what potential revisions could be made in this state
26 and how the changes would be beneficial to Iowans.
27 Sec. 2. Section 249A.4, subsection 8, Code 2005,
28 is amended by striking the subsection.
29 Sec. 3. NEW SECTION. 249A.4B MEDICAL ASSISTANCE
30 ADVISORY COUNCIL.
31 1. A medical assistance advisory council is
32 created to comply with 42 C.F.R. § 431.12 based on
33 section 1902(a)(4) of the federal Social Security Act
34 and to advise the director about health and medical
35 care services under the medical assistance program.
36 The council shall meet no more than quarterly. The
37 director of public health shall serve as chairperson

38 of the council.

39 2. The council shall include all of the following
40 members:

41 a. The president, or the president's
42 representative, of each of the following professional
43 or business entities, or a member of each of the
44 following professional or business entities, selected
45 by the entity:

46 (1) The Iowa medical society.

47 (2) The Iowa osteopathic medical association.

48 (3) The Iowa academy of family physicians.

49 (4) The Iowa chapter of the American academy of
50 pediatrics.

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1 (5) The Iowa physical therapy association.

2 (6) The Iowa dental association.

3 (7) The Iowa nurses association.

4 (8) The Iowa pharmacy association.

5 (9) The Iowa podiatric medical society.

6 (10) The Iowa optometric association.

7 (11) The Iowa association of community providers.

8 (12) The Iowa psychological association.

9 (13) The Iowa psychiatric society.

10 (14) The Iowa chapter of the national association
11 of social workers.

12 (15) The coalition for family and children's
13 services in Iowa.

14 (16) The Iowa hospital association.

15 (17) The Iowa association of rural health clinics.

16 (18) The Iowa/Nebraska primary care association.

17 (19) Free clinics of Iowa.

18 (20) The opticians' association of Iowa, inc.

19 (21) The Iowa association of hearing health
20 professionals.

21 (22) The Iowa speech and hearing association.

22 (23) The Iowa health care association.

23 (24) The Iowa association of area agencies on
24 aging.

25 (25) AARP.

26 (26) The Iowa caregivers association.

27 (27) The Iowa coalition of home and community-
28 based services for seniors.

29 (28) The Iowa adult day services association.

30 (29) The Iowa association of homes and services
31 for the aging.

32 (30) The Iowa association for home care.

33 (31) The Iowa council of health care centers.

34 (32) The Iowa physician assistant society.

35 (33) The Iowa association of nurse practitioners.

36 (34) The Iowa nurse practitioner society.

- 37 (35) The Iowa occupational therapy association.
38 (36) The ARC of Iowa, formerly known as the
39 association for retarded citizens of Iowa.
40 (37) The alliance for the mentally ill of Iowa.
41 (38) The Iowa state association of counties.
42 (39) The governor's developmental disabilities
43 council.
44 (40) The Iowa chiropractic society.
45 b. Public representatives which may include
46 members of consumer groups, including recipients of
47 medical assistance or their families, consumer
48 organizations, and others, equal in number to the
49 number of representatives of the professional and
50 business entities specifically represented under

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- 1 paragraph "a", appointed by the governor for staggered
2 terms of two years each, none of whom shall be members
3 of, or practitioners of, or have a pecuniary interest
4 in any of the professional or business entities
5 specifically represented under paragraph "a", and a
6 majority of whom shall be current or former recipients
7 of medical assistance or members of the families of
8 current or former recipients.
9 c. The director of public health, or the
10 director's designee.
11 d. The director of the department of elder
12 affairs, or the director's designee.
13 e. The dean of Des Moines university –
14 osteopathic medical center, or the dean's designee.
15 f. The dean of the university of Iowa college of
16 medicine, or the dean's designee.
17 g. The following members of the general assembly,
18 each for a term of two years:
19 (1) One member of the house of representatives
20 from each of the two major political parties,
21 appointed by the speaker of the house.
22 (2) One member of the senate from each of the two
23 major political parties, appointed by the president of
24 the senate, after consultation with the majority
25 leader and the minority leader of the senate.
26 3. a. An executive committee of the council is
27 created and shall consist of the following members of
28 the council:
29 (1) Five of the professional or business entity
30 members designated pursuant to subsection 2, paragraph
31 "a", and selected by the members specified under that
32 paragraph.
33 (2) Five of the public members appointed pursuant
34 to subsection 2, paragraph "b", and selected by the
35 members specified under that paragraph. Of the five

36 public members, at least one member shall be a
 37 recipient of medical assistance.
 38 (3) The director of public health, or the
 39 director's designee.
 40 b. The executive committee shall meet on a monthly
 41 basis. The director of public health shall serve as
 42 chairperson of the executive committee.
 43 c. Based upon the deliberations of the council and
 44 the executive committee, the executive committee shall
 45 make recommendations to the director regarding the
 46 budget, policy, and administration of the medical
 47 assistance program.
 48 4. For each council meeting, other than those held
 49 during the time the general assembly is in session,
 50 each legislative member of the council shall be

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1 reimbursed for actual travel and other necessary
 2 expenses and shall receive a per diem as specified in
 3 section 7E.6 for each day in attendance, as shall the
 4 members of the council or the executive committee who
 5 are recipients or the family members of recipients of
 6 medical assistance, regardless of whether the general
 7 assembly is in session.
 8 5. The department shall provide staff support and
 9 independent technical assistance to the council and
 10 the executive committee.
 11 6. The director shall consider the recommendations
 12 offered by the council and the executive committee in
 13 the director's preparation of medical assistance
 14 budget recommendations to the council on human
 15 services pursuant to section 217.3 and in
 16 implementation of medical assistance program policies.
 17 Sec. 4. Section 249A.34, subsection 1, paragraph
 18 h, Code 2005, is amended to read as follows:
 19 h. A representative of the medical assistance
 20 advisory council ~~executive committee~~ established
 21 pursuant to section ~~249A.4, subsection 8~~ 249A.4B."
 22 2. By renumbering as necessary.

Murphy of Dubuque offered the following amendment [H-1518](#), to amendment [H-1504](#), filed by him from the floor and moved its adoption:

[H-1518](#)

1 Amend the amendment, [H-1504](#), to [Senate File 272](#), as
 2 passed by the Senate, as follows:
 3 1. Page 3, by striking lines 19 through 21 and
 4 inserting the following:

5 "(1) Two members of the house of representatives,
 6 one appointed by the speaker of the house and one
 7 appointed by the minority leader of the house of
 8 representatives from their respective parties."

Amendment [H-1518](#) was adopted.

On motion by Tomenga of Polk, amendment [H-1504](#), as amended, was adopted, placing out of order amendment [H-1389](#) filed by Tomenga of Polk on April 18, 2005, amendment [H-1471](#), previously deferred and filed by Carroll of Poweshiek on April 21, 2005 and amendment [H-1490](#) filed by Murphy of Dubuque from the floor.

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

On the question "Shall the bill pass?" ([S.F. 272](#))

The ayes were, 100:

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

The nays were, none.

Absent or not voting and 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: **Senate Files 272 and 395.**

HOUSE FILE 539 WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw House File 539 from further consideration by the House.

The House resumed consideration of House File 866, a bill for an act relating to a sales tax holiday for purchases of certain computers during certain times, previously deferred and found on page 1489 of the House Journal. (Amendment H-1485 pending)

Tymeson of Madison asked and received unanimous consent to withdraw amendment H-1485 filed by Tymeson, Upmeyer of Hancock, Kaufmann of Cedar and Paulsen of Linn from the floor.

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

On the question "Shall the bill pass?" (H.F. 866)

The ayes were, 65:

Alons	Arnold	Baudler	Bell
Boal	Carroll	Chambers	Dandekar
De Boef	Dix	Drake	Eichhorn
Elgin	Ford	Freeman	Frevert
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Huser
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Olson, S.	Paulsen	Quirk

Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schueller	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wilderdike	Wise
Dolecheck, Presiding			

The nays were, 35:

Anderson	Berry	Bukta	Cphoon
Davitt	Fallon	Foege	Gaskill
Heddens	Hogg	Hunter	Jacoby
Jochum	Kressig	Kuhn	Lensing
Mascher	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Petersen	Pettengill
Schickel	Shoultz	Smith	Taylor, D.
Taylor, T.	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Zirkelbach	

Absent or not voting, none.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 866](#) be immediately messaged to the Senate.

SENATE AMENDMENT CONSIDERED

Rayhons of Hancock called up for consideration [Senate File 206](#), a bill for an act relating to deer population management and providing penalties and appropriations, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1536](#) to the House amendment:

[H-1536](#)

1 Amend the House amendment, [S-3096](#), to Senate File
 2 206, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 1, line 3, by striking the figure "14."
 5 and inserting the following: "14, and inserting the
 6 following:
 7 "Sec. ___. Section 170.1, subsection 4, Code 2005,

8 is amended to read as follows:

9 4. a. "Farm deer" means an animal belonging to
10 the cervidae family and classified as part of the dama
11 species of the dama genus, commonly referred to as
12 fallow deer; part of the elaphus species of the cervus
13 genus, commonly referred to as red deer or elk; part
14 of the virginianus species of the odocoileus genus,
15 commonly referred to as whitetail; part of the
16 hemionus species of the odocoileus genus, commonly
17 referred to as mule deer; or part of the nippon
18 species of the cervus genus, commonly referred to as
19 sika. ~~However, a farm deer~~

20 b. "Farm deer" does not include any unmarked free-
21 ranging elk, whitetail, or mule deer. "Farm deer"
22 also does not include preserve whitetail which are
23 kept on a hunting preserve as provided in chapter
24 484C.

25 Sec. . NEW SECTION. 170.1A APPLICATION OF
26 CHAPTER.

27 1. A landowner shall not keep whitetail unless the
28 whitetail are kept as farm deer under this chapter or
29 kept as preserve whitetail on a hunting preserve
30 pursuant to chapter 484C.

31 2. This chapter authorizes the department of
32 agriculture and land stewardship to regulate whitetail
33 kept as farm deer. However, the department of natural
34 resources shall regulate preserve whitetail kept on a
35 hunting preserve pursuant to chapter 484C."

36 2. Page 1, by striking lines 5 through 12.

37 3. Page 1, by striking lines 35 and 36, and
38 inserting the following:

39 " . Page 4, line 20, by inserting after the
40 word "land" the following: "~~not necessarily~~".

41 " . Page 4, by striking lines 23 and 24, and
42 inserting the following:

43 "(a) Are in tracts of two or more contiguous,
44 acres."

45 4. Page 2, by striking lines 24 through 27, and
46 inserting the following: "the special season."

47 5. Page 2, by inserting after line 45, the
48 following:

49 " . Page 6, by inserting after line 35, the
50 following:

Page 2

1 "Sec. . Section 484B.3, Code 2005, is amended
2 to read as follows:

3 484B.3 AUTHORITY OF THE DIRECTOR.

4 1. The director shall develop, administer, and
5 enforce hunting preserve programs and requirements
6 within the state which implement the provisions of

7 this chapter and ~~the~~ rules adopted by the commission
8 pursuant to this chapter.

9 2. The chapter does not apply to keeping farm deer
10 as defined in section 170.1 as regulated by the
11 department of agriculture and land stewardship
12 pursuant to chapter 170 or to preserve whitetail kept
13 on a hunting preserve as regulated by the department
14 of natural resources pursuant to chapter 484C.

15 Sec. __. NEW SECTION. 484C.1 DEFINITIONS.

16 As used in this chapter, unless the context
17 otherwise requires:

18 1. "Commission" means the natural resource
19 commission as created pursuant to section 455A.6.

20 2. "Department" means the department of natural
21 resources as created pursuant to section 455A.2.

22 3. "Documented event" includes but is not limited
23 to the birth, death, harvest, transfer for
24 consideration, or release of preserve whitetail.

25 4. "Fence" means a boundary fence which encloses
26 preserve whitetail within a landowner's property as
27 required to be constructed and maintained pursuant to
28 this chapter.

29 5. "Hunting preserve" means land where a landowner
30 keeps preserve whitetail as part of a business, if the
31 business's purpose is to provide persons with the
32 opportunity to hunt the preserve whitetail.

33 6. "Landowner" means a person who holds an
34 interest in land, including a titleholder.

35 7. "Preserve whitetail" means whitetail kept on a
36 hunting preserve.

37 8. "Whitetail" means an animal belonging to the
38 cervidae family and classified as part of the
39 virginianus species of the odocoileus genus.

40 Sec. __. NEW SECTION. 484C.2 APPLICATION OF
41 CHAPTER.

42 1. A landowner shall not keep whitetail unless the
43 whitetail are kept as preserve whitetail pursuant to
44 this chapter or as farm deer pursuant to chapter 170.

45 2. This chapter authorizes the department of
46 natural resources to regulate preserve whitetail.
47 However, the department of agriculture and land
48 stewardship shall regulate whitetail kept as farm deer
49 pursuant to chapter 170.

50 Sec. __. NEW SECTION. 484C.3 RULES.

Page 3

1 The department shall adopt rules pursuant to
2 chapter 17A as necessary to administer this chapter.

3 Sec. __. NEW SECTION. 484C.4 DEPARTMENTAL
4 PROGRAMS AND REQUIREMENTS.

5 The department shall develop, administer, and

6 enforce hunting preserve programs and requirements,
7 which implement the provisions of this chapter and
8 rules adopted by the department pursuant to section
9 484C.3, regarding fencing, recordkeeping, reporting,
10 and the tagging, transportation, testing, and
11 monitoring for disease of preserve whitetail.
12 Sec. __. NEW SECTION. 484C.5 MINIMUM ENCLOSED
13 ACREAGE – EXCEPTIONS.
14 A hunting preserve must include at least three
15 hundred twenty contiguous acres which are enclosed by
16 a fence certified pursuant to section 484C.6.
17 However, the hunting preserve may include a fewer
18 number of enclosed acres if any of the following
19 applies:
20 1. The commission grants a waiver for the hunting
21 preserve according to terms and conditions required by
22 the commission. The hunting preserve must include at
23 least one hundred sixty contiguous acres.
24 2. a. The hunting preserve was operated as a
25 business on January 1, 2005.
26 b. If the hunting preserve operated as a business
27 on January 1, 2005, the landowner or the landowner's
28 successor in interest may sell or otherwise transfer
29 ownership of the hunting preserve to another person
30 who may continue to operate the hunting preserve in
31 the same manner as the landowner. However, this
32 paragraph shall not apply if the owner of the hunting
33 preserve or any successor in interest fails to
34 register with the department as provided in section
35 484C.7 for three or more consecutive years.
36 3. a. The hunting preserve was not operated as a
37 business on January 1, 2005, and all of the following
38 apply:
39 (1) The hunting preserve has at least one hundred
40 contiguous acres.
41 (2) The hunting preserve's fence is certified by
42 the department not later than September 1, 2005.
43 b. If the hunting preserve complies with paragraph
44 "a", the landowner or the landowner's successor in
45 interest may sell or otherwise transfer ownership of
46 the hunting preserve to another person who may
47 continue to operate the hunting preserve in the same
48 manner as the landowner. However, this paragraph
49 shall not apply if the owner of the hunting preserve
50 or any successor in interest fails to register with

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1 the department as provided in section 484C.7 for three
2 or more consecutive years.
3 Sec. __. NEW SECTION. 484C.6 FENCING –
4 CERTIFICATION.

5 1. A fence required to enclose preserve whitetail
6 under section 484C.5 must be constructed and
7 maintained as prescribed by rules adopted by the
8 department and as certified by the department. The
9 fence shall be constructed and maintained to ensure
10 that the preserve whitetail are kept in the enclosure
11 and all other whitetail are excluded from the
12 enclosure.

13 2. A fence that was certified by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 prior to the effective date of this Act shall be
16 certified by the department of natural resources.

17 3. A fence shall be at least eight feet in height
18 above ground level. The enclosure shall be posted
19 with signs as prescribed by rules adopted by the
20 department.

21 4. The department may require that the fence be
22 inspected and approved by the department prior to
23 certification. The department shall periodically
24 inspect the fence at any reasonable time by
25 appointment or by providing the landowner with at
26 least forty-eight hours' notice.

27 Sec. __. NEW SECTION. 484C.7 REGISTRATION AND
28 FEE.

29 A landowner who keeps preserve whitetail shall
30 annually register the landowner's hunting preserve
31 with the department by June 30. The landowner shall
32 pay the department a registration fee. The amount of
33 the registration fee shall not exceed three hundred
34 fifty dollars per fiscal year. The fee shall be
35 deposited into the state fish and game protection
36 fund.

37 Sec. __. NEW SECTION. 484C.8 REQUIREMENTS FOR
38 RELEASING WHITETAIL – PROPERTY INTERESTS.

39 A person shall not release whitetail kept as
40 preserve whitetail onto land unless the landowner
41 complies with all of the following:

42 1. The landowner must notify the department at
43 least thirty days prior to first releasing the
44 preserve whitetail on the land. The notice shall be
45 provided in a manner required by the department. The
46 notice must at least provide all of the following:

47 a. A statement verifying that the fence which
48 encloses the land is certified by the department
49 pursuant to section 484C.6.

50 b. The landowner's name.

Page 5

1 c. The location of the land enclosed by the fence.

2 2. The landowner shall cooperate with the

3 department to remove any whitetail from the enclosed

4 land. However, after the thirtieth day following
5 receipt of the notice, the state shall relinquish its
6 property interest in any remaining whitetail that the
7 landowner and the department were unable to remove
8 from the enclosed land. Any remaining whitetail
9 existing at that time on the enclosed land, and any
10 progeny of the whitetail, shall become preserve
11 whitetail and property of the landowner.

12 3. A hunting preserve may include whitetail which
13 were regulated as farm deer by the department of
14 agriculture and land stewardship pursuant to chapter
15 170 and transported to the hunting preserve. The
16 whitetail shall be considered farm deer until released
17 onto the hunting preserve. Once released onto the
18 hunting preserve, the whitetail and its progeny become
19 preserve whitetail and are subject to regulation by
20 the department of natural resources.

21 Sec. . NEW SECTION. 484C.9 DOCUMENTATION –
22 INSPECTIONS.

23 1. The department shall prepare forms for
24 documents, including records and reports, and provide
25 such forms to landowners in order to comply with this
26 section. The department shall provide procedures for
27 the receipt, filing, processing, and return of
28 documents in an electronic format. The department
29 shall provide for the authentication of the documents
30 that may include electronic signatures as provided in
31 chapter 554D. However, this subsection does not
32 require a landowner to complete or receive a document
33 in an electronic format.

34 2. A landowner who operates a hunting preserve
35 shall do all of the following:

36 a. Keep records as required by the department.
37 The records shall be open for inspection at any
38 reasonable time by the department.

39 b. File an annual report with the department on or
40 before June 30. The report shall describe the hunting
41 preserve operations during the preceding twelve
42 months. The original report shall be forwarded to the
43 department and a copy shall be retained in the hunting
44 preserve's file for three years from the date of
45 expiration of the landowner's last registration as
46 provided in section 484C.7.

47 c. Keep a record of a documented event as required
48 by the department. The record of the documented event
49 shall be entered in the annual report required in this
50 section. The record of the documented event shall be

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1 maintained by the landowner and submitted to the
2 department. The entry of the documented event shall

3 be made within twenty-four hours after its occurrence
4 as prescribed by departmental rule.

5 Sec. __. NEW SECTION. 484C.10 TAKING PRESERVE
6 WHITETAIL – TRANSPORTATION TAGS.

7 The department shall provide transportation tags to
8 a landowner for use in identifying the carcass of
9 preserve whitetail.

10 1. The tags shall be used to designate all
11 preserve whitetail taken by persons on the hunting
12 preserve. A person taking the preserve whitetail
13 shall tag the preserve whitetail in accordance with
14 the rules adopted by the department.

15 2. The preserve whitetail taken on a hunting
16 preserve shall be tagged prior to being removed from
17 the hunting preserve.

18 3. A tag shall remain attached to the carcass of
19 the dead preserve whitetail until processed for
20 consumption. The person taking the preserve whitetail
21 shall be provided with a bill of sale by the
22 landowner. The bill of sale shall remain in the
23 possession of the person taking the preserve
24 whitetail.

25 4. Preserve whitetail tags issued to a hunting
26 preserve are not transferable.

27 Sec. __. NEW SECTION. 484C.11 TAKING PRESERVE
28 WHITETAIL – PROCESSING.

29 If preserve whitetail have been taken, the
30 harvested preserve whitetail may be processed by the
31 hunting preserve as prescribed by rules adopted by the
32 department. The rules shall provide for the marking
33 and shipment of meat.

34 Sec. __. NEW SECTION. 484C.12 HEALTH
35 REQUIREMENTS – CHRONIC WASTING DISEASE.

36 1. Preserve whitetail that are purchased,
37 propagated, confined, released, or sold by a hunting
38 preserve shall be free of diseases considered
39 reportable for wildlife, poultry, or livestock. The
40 department may provide for the quarantine of diseased
41 preserve whitetail that threaten the health of animal
42 populations.

43 2. The landowner, or the landowner's veterinarian,
44 and an epidemiologist designated by the department
45 shall develop a plan for eradicating a reportable
46 disease among the preserved whitetail population. The
47 plan shall be designed to reduce and then eliminate
48 the reportable disease, and to prevent the spread of
49 the disease to other animals. The plan must be
50 developed and signed within sixty days after a

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1 determination that the preserved whitetail population

2 is affected with the disease. The plan must address
3 population management and adhere to rules adopted by
4 the department. The plan must be formalized as a
5 memorandum of agreement executed by the landowner or
6 landowner's veterinarian and the epidemiologist. The
7 plan must be approved by the department.

8 Sec. __. NEW SECTION. 484C.13 PENALTIES.

9 1. A person who violates a provision of this
10 chapter or a rule adopted pursuant to this chapter is
11 guilty of a simple misdemeanor.

12 2. A landowner who keeps preserve whitetail and
13 who fails to register with the department as required
14 in section 484C.7 is subject to a civil penalty of not
15 more than two thousand five hundred dollars. The
16 civil penalty shall be deposited in the state fish and
17 game protection fund.

18 3. The department may suspend or revoke a fence
19 certification issued pursuant to section 484C.6 if the
20 department determines that a landowner has done any of
21 the following:

22 a. Provided false information to the department in
23 an application for fence certification pursuant to
24 section 484C.6.

25 b. Failed to provide access to the department for
26 an inspection as provided in this chapter.

27 c. Failed to maintain adequate records or to
28 submit timely reports as provided in section 484C.9.

29 d. Failed to maintain a fence enclosing the land
30 where preserve whitetail are kept as required by this
31 chapter. The department shall not suspend or revoke a
32 certification, if the landowner remedies each item as
33 provided in a notice of deficiency delivered to the
34 landowner by the department. The remedies shall be
35 completed within seven days from receipt of the
36 notice. The notice shall be hand delivered or sent by
37 certified mail."

38 __. Page 7, by inserting after line 1 the
39 following:

40 "Sec. __. DEPARTMENT OF AGRICULTURE AND LAND
41 STEWARDSHIP AND DEPARTMENT OF NATURAL RESOURCES –
42 JOINT STUDY AND RECOMMENDATIONS.

43 1. The department of agriculture and land
44 stewardship and the department of natural resources
45 shall conduct a joint study to consider issues
46 relating to keeping of whitetail farm deer pursuant to
47 Code chapter 170 and keeping preserve whitetail as
48 part of a hunting preserve pursuant to Code chapter
49 484C as enacted by this Act. As part of the study,
50 the departments shall consider all of the following:

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1 a. The fair and effective regulation of whitetail
2 farm deer and preserve whitetail by the departments.
3 b. Threats to whitetail farm deer, preserve
4 whitetail, and state-owned whitetail caused by
5 potential outbreaks of infectious diseases including
6 but not limited to chronic wasting disease, and
7 methods to cooperate in monitoring and controlling
8 infectious diseases and obtaining federal moneys
9 necessary to provide for the prevention and
10 suppression of infectious diseases.
11 2. The departments shall jointly report the
12 results of the study, including findings and
13 recommendations, to the government oversight
14 committees by November 2005 as required by the
15 committees.
16 Sec. __. DEPARTMENT OF NATURAL RESOURCES AND
17 HUNTING PRESERVE INDUSTRY – JOINT STUDY AND
18 RECOMMENDATIONS.
19 1. A preserve whitetail committee is established.
20 The committee shall be composed of the following:
21 a. Not more than five persons appointed by the
22 governor who shall be members of the Iowa whitetail
23 deer association.
24 b. Not more than five persons appointed by the
25 director of the department of natural resources who
26 shall be knowledgeable regarding hunting preserves.
27 2. The committee shall develop recommendations for
28 industry standards and guidelines to be used by the
29 natural resource commission when considering the
30 granting of waivers for minimum acreage requirements
31 for hunting preserves as provided in section 484C.5 as
32 enacted in this Act.
33 3. The committee shall submit the recommendations
34 required in this section to the natural resource
35 commission by January 1, 2006."
36 6. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall the House concur in the Senate amendment [H-1536?](#)" ([S.F. 206](#))

The ayes were, 56:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Bukta	Carroll
Chambers	Davitt	Elgin	Freeman

Gipp	Granzow	Heddens	Hoffman
Hogg	Horbach	Hunter	Huseman
Hutter	Jacobs	Jenkins	Jochum
Jones	Kaufmann	Lalk	Lensing
Lykam	Maddox	Mascher	May
Murphy	Oldson	Olson, S.	Paulsen
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Roberts	Schickel	Shomshor	Shoultz
Smith	Soderberg	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Watts
Wendt	Whitead	Wilderdyke	Dolecheck, Presiding

The nays were, 40:

Berry	Cohoon	Dandekar	De Boef
Dix	Drake	Eichhorn	Fallon
Foege	Ford	Frevert	Gaskill
Heaton	Huser	Jacoby	Kressig
Kuhn	Kurtenbach	McCarthy	Mertz
Miller	Olson, D.	Olson, R.	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Van Fossen, J.R.	Wessel-Kroeschell
Whitaker	Winckler	Wise	Zirkelbach

Absent or not voting, 4:

Greiner	Lukan	Sands	Van Fossen, J.K.
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The motion prevailed and the House concurred in the Senate amendment [H-1536](#), to the House amendment.

Rayhons of Hancock 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. 206](#))

The ayes were, 97:

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

The nays were, 3:

Frevert	Mertz	Quirk
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Absent or not voting, none.

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 206](#) be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of April, 2005: House Files 310, 312, 476, 585, 587, 607 and 748.

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\1331 Virg and Pat Jaques, Iowa Falls – For celebrating their 50th wedding anniversary.
- 2005\1332 Ivan “Smity” Smith, Iowa Falls – For celebrating his 85th birthday.
- 2005\1333 Elsie Johnson, Exira – For celebrating her 95th birthday.
- 2005\1334 Edith Martin, Exira – For celebrating her 95th birthday.
- 2005\1335 Gertrude Van Zanten, Rock Valley – For celebrating her 100th birthday.
- 2005\1336 Fanny Ten Haken, Hull – For celebrating her 99th birthday.
- 2005\1337 Eugene and Marian Nichols, Spirit Lake – For celebrating their 50th wedding anniversary.
- 2005\1338 Kyle Sturm, Clarinda – For attaining the rank of the Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1339 Doris Sandquist, Shenandoah – For celebrating her 80th birthday.
- 2005\1340 Grace Adams, Calarinda – For celebrating her 90th birthday.
- 2005\1341 Sally Barnes, Braddyville – For celebrating her 80th birthday.
- 2005\1342 LaWayne Weinard, West Liberty – For celebrating his 80th birthday.
- 2005\1343 Wilma LaCoste, Mason City – For celebrating her 90th birthday.
- 2005\1344 Florence Luecht, Mason City – For celebrating her 90th birthday.
- 2005\1345 Frieda Udelhofen, Mason City – For celebrating her 90th birthday.
- 2005\1346 Mary Paulus, Mason City – For celebrating her 80th birthday.
- 2005\1347 Alma O'Donnell, Nevada – For celebrating her 85th birthday.
- 2005\1348 John and Lucille Jacobson, McCallsburg – For celebrating their 50th wedding anniversary.

- 2005\1349 Alice Larkin, Cambridge – For celebrating her 90th birthday.
- 2005\1350 Dale Pyle, Maxwell – For celebrating his 85th birthday.
- 2005\1351 Louie and Carol Koeneke, Nevada – For celebrating their 50th wedding anniversary.
- 2005\1352 Iowa State University, College of Veterinary Medicine, Ames – For celebrating its 125th anniversary.
- 2005\1353 Magdalen Frost, Gilbertville – For celebrating her 85th birthday.
- 2005\1354 Madeline Kerns, Fairbank – For celebrating her 80th birthday.
- 2005\1355 Robert (Bob) Donovan, Brandon – For celebrating his 80th birthday.
- 2005\1356 Junior McBride, La Porte City – For celebrating his 80th birthday.

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 EDUCATION

House File 873, a bill for an act relating to recommendations of the education subcommittee of the governor's committee on local governance by providing for the development of a school sharing and efficiencies in operations process, the referral of certain issues to legislative standing committees for further review and consideration, and a study by the department of education concerning certain barriers to effective structure and delivery models that promote optimum student achievement.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-1513** April 26, 2005.

COMMITTEE ON WAYS AND MEANS

Senate File 389, a bill for an act providing individual and corporate income tax credits for soy-based cutting tool oil and including an applicability date provision.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

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

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly [House File 714](#)), establishing an interior design examining board, providing for the registration of interior designers, and providing fees and penalties.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly [House File 725](#)), relating to the regulation of snowmobiles, establishing fees, and providing penalties.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 785](#)), relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date.

Fiscal Note is not required.

Recommended **Do Pass** April 25, 2005.

Committee Bill (Formerly [House File 815](#)), relating to the disposition of certain real estate transfer tax receipts by the treasurer of state.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 301](#)), relating to sales and use tax changes, excise taxes on rental of rooms and sleeping quarters, and the sale and use of construction equipment, and including an effective and retroactive applicability date provision.

Fiscal Note is not required.

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

RESOLUTION FILED

[HR 51](#), by Ford, a resolution urging Congress to take action to renew certain portions of the Voting Rights Act of 1965.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1486</u>	<u>H.F.</u>	<u>868</u>	Reichert of Muscatine
Miller of Webster			Berry of Black Hawk
Winckler of Scott			Lensing of Johnson
Schueller of Jackson			Ford of Polk
<u>H-1491</u>	<u>H.F.</u>	<u>848</u>	Paulsen of Linn
<u>H-1492</u>	<u>H.F.</u>	<u>848</u>	Heaton of Henry
<u>H-1506</u>	<u>H.F.</u>	<u>874</u>	Baudler of Adair
<u>H-1508</u>	<u>H.F.</u>	<u>868</u>	Frevert of Palo Alto
<u>H-1510</u>	<u>H.F.</u>	<u>848</u>	Berry of Black Hawk
Ford of Polk			Hogg of Linn
Jochum of Dubuque			Lykam of Scott
Miller of Webster			Heddens of Story
Hunter of Polk			Kressig of Black Hawk
Lensing of Johnson			Schueller of Jackson
Wendt of Woodbury			Winckler of Scott
Thomas of Clayton			Wessel-Kroeschell of Story
<u>H-1513</u>	<u>H.F.</u>	<u>873</u>	Committee on Education
<u>H-1514</u>	<u>H.F.</u>	<u>848</u>	Rayhons of Hancock
<u>H-1515</u>	<u>H.F.</u>	<u>848</u>	Rayhons of Hancock
<u>H-1519</u>	<u>H.F.</u>	<u>848</u>	Hogg of Linn
<u>H-1526</u>	<u>H.F.</u>	<u>868</u>	Ford of Polk
<u>H-1527</u>	<u>H.F.</u>	<u>874</u>	Mertz of Kossuth
			Drake of Pottawattamie
<u>H-1528</u>	<u>H.F.</u>	<u>874</u>	Mertz of Kossuth
<u>H-1529</u>	<u>H.F.</u>	<u>874</u>	Mertz of Kossuth
<u>H-1530</u>	<u>H.F.</u>	<u>874</u>	Mertz of Kossuth
<u>H-1531</u>	<u>H.F.</u>	<u>874</u>	Mertz of Kossuth
<u>H-1532</u>	<u>S.F.</u>	<u>220</u>	Wilderdyke of Harrison
<u>H-1534</u>	<u>H.F.</u>	<u>868</u>	Zirkelbach of Jones
<u>H-1535</u>	<u>H.F.</u>	<u>805</u>	Senate Amendment
<u>H-1537</u>	<u>H.F.</u>	<u>874</u>	Zirkelbach of Jones
<u>H-1538</u>	<u>H.F.</u>	<u>868</u>	Hoffman of Crawford
			Thomas of Clayton

On motion by Gipp of Winneshiek the House adjourned at 6:30 p.m., until 8:45 a.m., Wednesday, April 27, 2005.