

PROOF

STATE OF IOWA

House Journal

FRIDAY, APRIL 29, 2005

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JOURNAL OF THE HOUSE

One Hundred Tenth Calendar Day - Seventy-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, April 29, 2005

The House met pursuant to adjournment at 8:44 a.m., Speaker Rants in the chair.

Prayer was offered by the Honorable Tom Sands, state representative from Louisa County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Minority Leader of the House, Pat Murphy.

The Journal of Thursday, April 28, 2005 was approved.

SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Rants invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Eighty-first General Assembly were presented to the following Pages by Speaker Christopher Rants of Woodbury County, Majority Leader Chuck Gipp of Winneshiek County and Minority Leader Pat Murphy of Dubuque County.

Maison Bleam
Jennifer Danilson
Ashlee Drake
Erica Ellison
Kyle Groote
Megan Hess
Erin Hopp
Amy Hulstein
Benjamin Johansen
Kelsey Klaver

Anthony Menendez
Josie Rundlett
Christina Running
Mitchell Schaben
Emily Schirmer
Larry Sheeley
Karalyn Stott
William Tuthill
Benjamin Varley

RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [House File 882](#).

CONSIDERATION OF BILLS
Appropriations Calendar

[House File 882](#), a bill for an act making, reducing, and transferring appropriations, providing for fees, and providing for properly related matters and including effective and retroactive applicability date provisions, was taken up for consideration.

Carroll of Poweshiek offered the following amendment [H-1588](#) filed by Carroll, et al., and moved its adoption:

[H-1588](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 1, line 16, by striking the figure
- 3 "33,361,148" and inserting the following:
- 4 "35,788,041".
- 5 2. Page 1, by inserting after line 31 the
- 6 following:
- 7 "d. For distribution to counties as cost share for
- 8 county coverage of services to adult persons with
- 9 brain injury in accordance with the law enacted as a
- 10 result of the provisions of 2005 Iowa Acts, House File
- 11 876, or other law providing for such coverage to
- 12 commence in the fiscal year beginning July 1, 2006:
- 13 \$ 2,426,893"

Amendment [H-1588](#) was adopted.

Oldson of Polk asked and received unanimous consent that amendment [H-1599](#) be deferred.

Dix of Butler asked and received unanimous consent that amendment [H-1603](#) be deferred.

Wise of Lee asked and received unanimous consent that amendment [H-1577](#) be deferred.

Hogg of Linn asked and received unanimous consent that amendment [H-1595](#) be deferred.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-1600](#) filed by Wendt, et al., on April 28, 2005.

Huser of Polk asked and received unanimous consent that amendment [H-1597](#) be deferred.

Wise of Lee asked and received unanimous consent to withdraw amendment [H-1578](#) filed by Wise, et al., on April 28, 2005.

Hunter of Polk asked and received unanimous consent to withdraw amendment [H-1583](#) filed by Hunter, et al., on April 28, 2005.

J.K. Van Fossen of Scott offered the following amendment [H-1591](#) filed by him as follows:

[H-1591](#)

1 Amend [House File 882](#) as follows:

2 1. Page 9, by inserting after line 29, the
3 following:

4 "Sec. ___. Section 15E.193B, subsection 5, Code
5 2005, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. f. If the eligible housing
8 business is a partnership, S corporation, or limited
9 liability company using low-income housing tax credits
10 authorized under section 42 of the Internal Revenue
11 Code to assist in the financing of the housing
12 development, the name of any partner if the business
13 is a partnership, a shareholder if the business is an
14 S corporation, or a member if the business is a
15 limited liability company and the amount designated as
16 allowed under subsection 8.

17 Sec. ___. Section 15E.193B, subsection 6,
18 paragraph a, Code 2005, is amended to read as follows:

19 a. An eligible housing business may claim a tax
20 credit up to a maximum of ten percent of the new
21 investment which is directly related to the building
22 or rehabilitating of a minimum of four single-family
23 homes located in that part of a city or county in
24 which there is a designated enterprise zone or one
25 multiple dwelling unit building containing three or
26 more individual dwelling units located in that part of
27 a city or county in which there is a designated
28 enterprise zone. The new investment that may be used
29 to compute the tax credit shall not exceed the new
30 investment used for the first one hundred forty

31 thousand dollars of value for each single-family home
32 or for each unit of a multiple dwelling unit building
33 containing three or more units. The tax credit may be
34 used to reduce the tax liability imposed under chapter
35 422, division II, III, or V, or chapter 432. Any
36 credit in excess of the tax liability for the tax year
37 may be credited to the tax liability for the following
38 seven years or until depleted, whichever occurs
39 earlier. If the business is a partnership, S
40 corporation, limited liability company, or estate or
41 trust electing to have the income taxed directly to
42 the individual, an individual may claim the tax credit
43 allowed. The amount claimed by the individual shall
44 be based upon the pro rata share of the individual's
45 earnings of the partnership, S corporation, limited
46 liability company, or estate or trust except as
47 allowed for under subsection 8 when low-income housing
48 tax credits authorized under section 42 of the
49 Internal Revenue Code are used to assist in the
50 financing of the housing development.

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1 Sec. ___. Section 15E.193B, subsection 8,
2 unnumbered paragraph 1, Code 2005, is amended to read
3 as follows:
4 The amount of the tax credits determined pursuant
5 to subsection 6, paragraph "a", for each project shall
6 be approved by the department of economic development.
7 The department shall utilize the financial information
8 required to be provided under subsection 5, paragraph
9 "e", to determine the tax credits allowed for each
10 project. In determining the amount of tax credits to
11 be allowed for a project, the department shall not
12 include the portion of the project cost financed
13 through federal, state, and local government tax
14 credits, grants, and forgivable loans. Upon approving
15 the amount of the tax credit, the department of
16 economic development shall issue a tax credit
17 certificate to the eligible housing business except
18 when low-income housing tax credits authorized under
19 section 42 of the Internal Revenue Code are used to
20 assist in the financing of the housing development in
21 which case the tax credit certificate may be issued to
22 a partner if the business is a partnership, a
23 shareholder if the business is an S corporation, or a
24 member if the business is a limited liability company
25 in the amounts designated by the eligible partnership,
26 S corporation, or limited liability company. An
27 eligible housing business or the designated partner if
28 the business is a partnership, designated shareholder
29 if the business is an S corporation, or designated

30 member if the business is a limited liability company,
31 or transferee shall not claim the tax credit unless a
32 tax credit certificate issued by the department of
33 economic development is attached to the taxpayer's
34 return for the tax year for which the tax credit is
35 claimed. The tax credit certificate shall contain the
36 taxpayer's name, address, tax identification number,
37 the amount of the tax credit, and other information
38 required by the department of revenue. The tax credit
39 certificate shall be transferable if low-income
40 housing tax credits authorized under section 42 of the
41 Internal Revenue Code are used to assist in the
42 financing of the housing development. Tax credit
43 certificates issued under this chapter may be
44 transferred to any person or entity. Within ninety
45 days of transfer, the transferee must submit the
46 transferred tax credit certificate to the department
47 of economic development along with a statement
48 containing the transferee's name, tax identification
49 number, and address, and the denomination that each
50 replacement tax credit certificate is to carry and any

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1 other information required by the department of
2 revenue. Within thirty days of receiving the
3 transferred tax credit certificate and the
4 transferee's statement, the department of economic
5 development shall issue one or more replacement tax
6 credit certificates to the transferee. Each
7 replacement certificate must contain the information
8 required to receive the original certificate and must
9 have the same expiration date that appeared in the
10 transferred tax credit certificate. Tax credit
11 certificate amounts of less than the minimum amount
12 established by rule of the department of economic
13 development shall not be transferable. A tax credit
14 shall not be claimed by a transferee under subsection
15 6, paragraph "a", until a replacement tax credit
16 certificate identifying the transferee as the proper
17 holder has been issued."

18 2. Page 12, by inserting after line 18 the
19 following:

20 "Sec. __. Section 422.11D, subsection 2, Code
21 2005, is amended to read as follows:

22 2. An individual may claim a property
23 rehabilitation tax credit allowed a partnership,
24 limited liability company, S corporation, estate, or
25 trust electing to have the income taxed directly to
26 the individual. The amount claimed by the individual
27 shall be based upon the pro rata share of the
28 individual's earnings of a partnership, limited

29 liability company, S corporation, estate, or trust
30 except when low-income housing tax credits authorized
31 under section 42 of the Internal Revenue Code are used
32 to assist in the financing of the housing development
33 in which case the amount claimed by a partner if the
34 business is a partnership, a shareholder if the
35 business is an S corporation, or a member if the
36 business is a limited liability company shall be based
37 on the amounts designated by the eligible partnership,
38 S corporation, or limited liability company."

J.K. Van Fossen of Scott offered the following amendment [H-1598](#),
to amendment [H-1591](#), filed by him and moved its adoption:

[H-1598](#)

1 Amend the amendment, [H-1591](#), to [House File 882](#) as
2 follows:
3 1. Page 3, by inserting after line 38 the
4 following:
5 "___ Page 12, by inserting before line 19 the
6 following:
7 "Sec. ___ Section 423.3, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 29A. The sales price of all
10 goods, wares, or merchandise sold, or of services
11 furnished, which are used in the fulfillment of a
12 written construction contract with a residential
13 treatment facility for youth with emotional or
14 behavioral disorders licensed pursuant to chapter 237
15 or 135H if all of the following apply:
16 a. The sales and delivery of the goods, wares, or
17 merchandise, or the services furnished occurred
18 between July 1, 2004, and December 31, 2006.
19 b. The written construction contract was entered
20 into after December 31, 2003.
21 c. The sales or services were purchased by a
22 contractor as the agent for the facility or were
23 purchased directly by the facility."
24 ___ Page 16, by inserting after line 16 the
25 following:
26 "Sec. ___ EFFECTIVE DATE. The section of this
27 division of this Act enacting section 423.3,
28 subsection 29A, being deemed of immediate importance,
29 takes effect upon enactment.""

Amendment [H-1598](#) was adopted.

On motion by Tomenga of Polk, amendment [H-1591](#), as amended,
was adopted.

Dix of Butler offered the following amendment [H-1592](#) filed by him and moved its adoption:

[H-1592](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. By striking page 9, line 30, through page 11,
- 3 line 18.

Amendment [H-1592](#) was adopted.

Kurtenbach of Story asked and received unanimous consent to withdraw amendment [H-1586](#) filed by him on April 28, 2005.

Winckler of Scott asked and received unanimous consent that amendment [H-1584](#) be deferred.

Boal of Polk offered the following amendment [H-1579](#) filed by her and moved its adoption:

[H-1579](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 16, by inserting after line 16, the
- 3 following:
- 4 "Sec. ___. 2005 Iowa Acts, [House File 739](#), if
- 5 enacted, is amended by adding the following new
- 6 section:
- 7 NEW SECTION. Sec. ___. EFFECTIVE DATE. The
- 8 section of this Act amending section 262.9 to
- 9 establish a research triangle and clearinghouse takes
- 10 effect July 1, 2006."

Amendment [H-1579](#) was adopted.

Raecker of Polk asked and received unanimous consent to withdraw amendment [H-1580](#) filed by him on April 28, 2005.

Eichhorn of Hamilton offered amendment [H-1581](#) filed by him and Tjepkes of Webster as follows:

[H-1581](#)

- 1 Amend [House File 882](#) as follow:
- 2 1. By striking page 26, line 18, through page 29,
- 3 line 24.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-1602](#), to amendment [H-1581](#), filed by him on April 28, 2005.

Lensing of Johnson offered the following amendment [H-1604](#), to amendment [H-1581](#), filed by her from the floor and moved its adoption:

[H-1604](#)

1 Amend the amendment, [H-1581](#), to [House File 882](#), as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "____. By striking page 26, line 20, through page
6 29, line 24, and inserting the following:
7 "Sec.____. IOWA STATE ASSOCIATION OF COUNTIES.
8 The Iowa state association of counties shall provide a
9 report to the government oversight committees on or
10 before December 1, 2005, regarding the progress of the
11 county land record information system."
12 2. By renumbering as necessary.

Amendment [H-1604](#) was adopted.

Gaskill of Wapello offered the following amendment [H-1601](#), to amendment [H-1581](#), filed by her and moved its adoption:

[H-1601](#)

1 Amend the amendment, [H-1581](#), to [House File 882](#) as
2 follows:
3 1. Page 1, by striking lines 2 and 3 and
4 inserting the following:
5 "____. By striking page 26, line 20, through page
6 29, line 24 and inserting the following:
7 "Sec.____. AUDIT. The auditor of state is
8 authorized to audit the financial records of any
9 company that provides service to the county land
10 record information system."
11 2. By renumbering as necessary.

Amendment [H-1601](#) was adopted.

Eichhorn of Hamilton asked and received unanimous consent to defer amendment [H-1581](#), as amended.

Hunter of Polk asked and received unanimous consent to withdraw amendment [H-1582](#) filed by Hunter, et al., on April 28, 2005.

Oldson of Polk asked and received unanimous consent to withdraw amendment [H-1599](#), previously deferred, filed by her on April 28, 2005.

Dix of Butler offered amendment [H-1603](#), previously deferred, filed by him as follows:

[H-1603](#)

1 Amend [House File 882](#) as follows:
 2 1. Page 3, line 2, by striking the figure
 3 "159,600,000" and inserting the following:
 4 "159,663,964".
 5 2. Page 5, line 6, by striking the words "human
 6 services" and inserting the following: "public
 7 health".
 8 3. Page 5, line 10, by striking the words
 9 "families with one or more children" and inserting the
 10 following: "individual patients".
 11 4. Page 5, line 12, by striking the words "by the
 12 children".
 13 5. Page 5, by inserting after line 13, the
 14 following:
 15 "Sec. ___. ARCHIVE GOVERNORS' RECORDS. There is
 16 appropriated from the general fund of the state to the
 17 department of cultural affairs for the fiscal year
 18 beginning July 1, 2005, and ending June 30, 2006, the
 19 following amount, or so much thereof as is necessary,
 20 to be used for the purpose designated:
 21 To match private funding for archiving the records
 22 of Iowa governors:
 23 75,000
 24 Sec. ___. CIVIL AIR PATROL. There is appropriated
 25 from the general fund of the state to the state
 26 department of transportation for the fiscal year
 27 beginning July 1, 2005, and ending June 30, 2006, the
 28 following amount, or so much thereof as is necessary,
 29 to be used for the purpose designated:
 30 For the Iowa civil air patrol:
 31 \$125,000
 32 Sec. ___. BIENNIAL REPORTING. There is
 33 appropriated from the general fund of the state to the
 34 secretary of state for the fiscal year beginning July
 35 1, 2005, and ending June 30, 2006, the following
 36 amount, or so much thereof as is necessary, to be used
 37 for the purpose designated:

38 For administering the biennial reporting
 39 requirements for limited liability companies as
 40 required in section 490A.131, if enacted by 2005 Iowa
 41 Acts, [House File 859](#):
 42 \$275,000
 43 Sec. __. SCHOOL SHARING AND EFFICIENCIES. There
 44 is appropriated from the general fund of the state to
 45 the department of education for the fiscal year
 46 beginning July 1, 2005, and ending June 30, 2006, the
 47 following amount, or so much thereof as is necessary,
 48 to be used for the purpose designated:
 49 For implementation of 2005 Iowa Acts, House File
 50 873, if enacted:

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1 \$ 200,000"
 2 6. Page 6, line 4, by striking the figure "72.00"
 3 and inserting the following: "71.00".
 4 7. Page 6, by inserting after line 14 the
 5 following:
 6 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
 7 5, subsection 10, unnumbered paragraph 1, if enacted,
 8 is amended to read as follows:
 9 For deposit in the school ready children grants
 10 account of the Iowa empowerment fund created in
 11 section 28.9:
 12 \$ ~~22,481,594~~
 13 21,481,594
 14 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 15 5, subsection 10, paragraph d, if enacted, is amended
 16 to read as follows:
 17 d. Of the amount appropriated in this subsection
 18 for deposit in the school ready children grants
 19 account of the Iowa empowerment fund, ~~\$1,000,000~~
 20 \$500,000 shall be allocated to a collaborative effort
 21 between the Iowa community empowerment board and Iowa
 22 state university extension to provide hands-on
 23 assistance to child care providers.
 24 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 25 5, subsection 12, if enacted, is amended to read as
 26 follows:
 27 12. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 28 PROGRAM
 29 For purposes, as provided in law, of the student
 30 achievement and teacher quality program established
 31 pursuant to chapter 284:
 32 \$ ~~58,718,894~~
 33 67,618,894
 34 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 35 5, subsection 13, if enacted, is amended to read as
 36 follows:

37 13. COMMUNITY COLLEGES

38 For general state financial aid to merged areas as
 39 defined in section 260C.2 in accordance with chapters
 40 258 and 260C:

41	\$146,063,888
42		<u>147,579,244</u>
43	The funds appropriated in this subsection shall be	
44	allocated as follows:	
45	a. Merged Area I	\$ 7,050,307
46		<u>7,124,315</u>
47	b. Merged Area II	\$ 8,174,864
48		<u>8,258,602</u>
49	c. Merged Area III	\$ 7,573,324
50		<u>7,650,479</u>

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1	d. Merged Area IV	\$ 3,708,37
2		<u>3,746,521</u>
3	e. Merged Area V	\$ 7,844,24
4		<u>7,926,341</u>
5	f. Merged Area VI	\$ 7,187,87
6		<u>7,261,075</u>
7	g. Merged Area VII	\$ 10,452,73
8		<u>10,560,846</u>
9	h. Merged Area IX	\$ 12,871,40
10		<u>13,005,054</u>
11	i. Merged Area X	\$ 20,387,667
12		<u>20,603,300</u>
13	j. Merged Area XI	\$ 21,520,591
14		<u>21,745,905</u>
15	k. Merged Area XII	\$ 8,447,771
16		<u>8,535,410</u>
17	l. Merged Area XIII	\$ 8,664,978
18		<u>8,754,676</u>
19	m. Merged Area XIV	\$ 3,753,491
20		<u>3,791,821</u>
21	n. Merged Area XV	\$ 11,804,074
22		<u>11,924,610</u>
23	o. Merged Area XVI	\$ 6,621,860
24		<u>6,690,289</u>
25	Sec. __. 2005 Iowa Acts, House File 816 , section	
26	10, subsection 1, paragraph f, if enacted, is amended	
27	to read as follows:	
28	f. For funds for regents universities' general	
29	operating budgets:	
30	\$ 12,560,288
31		<u>14,969,288</u>
32	Sec. __. 2005 Iowa Acts, House File 816 , section	
33	10, subsection 1, paragraph f, subparagraph (6), if	
34	enacted, is amended to read as follows:	
35	(6) From the moneys allocated to the Iowa state	

36 university of science and technology pursuant to this
 37 lettered paragraph, an amount equal to ~~\$50,000~~
 38 \$1,000,000 shall be distributed to the college of
 39 veterinary medicine to reduce the operating fees
 40 charged by the veterinary diagnostic laboratory. If
 41 Iowa state university of science and technology fails
 42 to distribute funds to the college of veterinary
 43 science in accordance with this paragraph, the moneys
 44 shall revert to the general fund of the state.
 45 Sec. __. 2005 Iowa Acts, [House File 825](#), section
 46 9, unnumbered paragraph 2, if enacted, is amended to
 47 read as follows:
 48 For medical assistance reimbursement and associated
 49 costs as specifically provided in the reimbursement
 50 methodologies in effect on June 30, 2005, except as

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1 otherwise expressly authorized by law, including
 2 reimbursement for abortion services, which shall be
 3 available under the medical assistance program only
 4 for those abortions which are medically necessary:
 5 ~~\$524,800000~~
 6 518,300000
 7 Sec. __. 2005 Iowa Acts, [House File 825](#), section
 8 14, unnumbered paragraph 2, if enacted, is amended to
 9 read as follows:
 10 For child care programs:
 11 ~~\$ 8,350,752~~
 12 17,350,752
 13 Sec. __. 2005 Iowa Acts, [House File 825](#), section
 14 14, subsection 1, paragraph a, if enacted, is amended
 15 to read as follows:
 16 a. Of the funds appropriated in this section,
 17 ~~\$7,325,228~~ \$16,325,228 shall be used for state child
 18 care assistance in accordance with section 237A.13."
 19 8. Page 6, by inserting after line 23 the
 20 following:
 21 "Sec. __. 2005 Iowa Acts, [House File 825](#), section
 22 29, subsection 11, if enacted, is amended to read as
 23 follows:
 24 11. For the fiscal year beginning July 1, 2005,
 25 for child care providers reimbursed under the state
 26 child care assistance program, the department shall
 27 set provider reimbursement rates based on the rate
 28 reimbursement survey completed in December ~~1998~~ 2002.
 29 The department shall set rates in a manner so as to
 30 provide incentives for a nonregistered provider to
 31 become registered. If the federal government provides
 32 additional funding for child care during the fiscal
 33 year beginning July 1, 2005, the additional funding
 34 shall be used to develop and implement an electronic

35 billing and payment system for child care providers."
36 9. Page 6, line 31, by striking the figure
37 "53,147,109" and inserting the following:
38 "59,647,109".
39 10. Page 7, by inserting after line 32 the
40 following:
41 "Sec. ___. Section 284.13, subsection 1, paragraph
42 dd, as enacted by 2005 Iowa Acts, [House File 816](#),
43 section 23, if enacted, is amended to read as follows:
44 dd. For the fiscal year beginning July 1, 2005,
45 and ending June 30, 2006, up to ~~eight~~ seventeen
46 million ~~nine~~ eight hundred thousand dollars to the
47 department of education for use by school districts to
48 add ~~one~~ two additional teacher contract ~~day~~ days to
49 the school calendar. Prior to receiving funds under
50 this paragraph, a school district shall submit for

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1 approval to the department the school district's
2 professional development plan for use of the moneys.
3 From the moneys allocated to the department pursuant
4 to this paragraph, not less than seventy-five thousand
5 dollars shall be used to administer the ambassador to
6 education position in accordance with section 256.45
7 and the reporting and plan requirements of this
8 subsection shall not apply to this allocation. The
9 department shall submit a report on school district
10 use of the moneys distributed pursuant to this
11 paragraph to the chairpersons and ranking members of
12 the house and senate standing committees on education,
13 the joint appropriations subcommittee on education,
14 and the legislative services agency not later than
15 January 15, 2006.
16 Sec. ___. Section 490A.131, subsection 5, if
17 enacted by 2005 Iowa Acts, [House File 859](#), section
18 109, is amended to read as follows:
19 5. The first biennial report shall be delivered to
20 the secretary of state between January 1 and April 1
21 of the first ~~odd-numbered~~ even-numbered year following
22 the calendar year in which a limited liability company
23 was formed or a foreign limited liability company was
24 authorized to transact business. Subsequent biennial
25 reports must be delivered to the secretary of state
26 between January 1 and April 1 of the following ~~odd-~~
27 ~~numbered~~ even-numbered calendar years. A filing fee
28 for the biennial report shall be determined by the
29 secretary of state and deposited into the general fund
30 of the state. For purposes of this section, each
31 biennial report shall contain information related to
32 the two-year period immediately preceding the calendar
33 year in which the report is filed."

34 11. Page 12, by striking lines 3 through 18.
35 12. Page 13, by inserting after line 24, the
36 following:
37 "Sec. ___. Section 427.1, Code 2005, is amended by
38 adding the following new subsection:
39 NEW SUBSECTION. 21A. Dwelling unit property owned
40 and managed by a nonprofit organization if the
41 nonprofit organization owns and manages more than
42 forty dwelling units that are located in a city with a
43 population of more than one hundred ten thousand which
44 has a public housing authority that does not own or
45 manage housing stock for the purpose of low-rent
46 housing."
47 13. Page 16, by inserting after line 16, the
48 following:
49 "Sec. ___. BUDGET GUARANTEE RESOLUTION –
50 RESOLUTION ADOPTION EXTENSION. Notwithstanding the

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1 provisions of section 257.14, subsection 3, unnumbered
2 paragraph 3, a school district that wishes to receive
3 a budget adjustment pursuant to that subsection for
4 the school budget year beginning July 1, 2005, shall
5 have until June 1, 2005, to adopt a resolution to
6 receive the budget adjustment and to notify the
7 department of management of the adoption of the
8 resolution and the amount of the budget adjustment to
9 be received.
10 Sec. ___. APPLICABILITY PROVISION. The section of
11 this division of this Act enacting new subsection 21A
12 to section 427.1 shall not be considered a property
13 tax exemption within the meaning of or for the
14 purposes of section 25B.7.
15 Sec. ___. EFFECTIVE DATE. The section of this
16 division of this Act providing an extension of time
17 for adoption of a budget adjustment resolution
18 pursuant to section 257.14, subsection 3, for a budget
19 adjustment for the school budget year beginning July
20 1, 2005, being deemed of immediate importance, takes
21 effect upon enactment."

Wendt of Woodbury offered the following amendment [H-1607](#), to amendment [H-1603](#), filed by him from the floor and moved its adoption:

[H-1607](#)

1 Amend the amendment, [H-1603](#), to [House File 882](#) as
2 follows:
3 1. Page 2, line 1, by striking the figure
4 "200,000" and inserting the following: "325,000".

Amendment [H-1607](#) lost.

Shoultz of Black Hawk offered the following amendment [H-1605](#), to amendment [H-1603](#), filed by him from the floor and moved its adoption:

[H-1605](#)

1 Amend the amendment, [H-1603](#), to [House File 882](#) as
 2 follows:
 3 1. Page 3, by striking lines 32 through 44 and
 4 inserting the following:
 5 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
 6 10, subsection 1, paragraph f, if enacted, is amended
 7 by adding the following new subparagraph:
 8 **NEW SUBPARAGRAPH.** (1A) The first \$1,000,000 shall
 9 be distributed by the state board of regents to the
 10 university of northern Iowa to provide additional
 11 support for the agriculture-based industrial
 12 lubricants research program and the remainder shall be
 13 distributed as provided in subparagraph (2).
 14 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 15 10, subsection 1, paragraph f, subparagraph (6), if
 16 enacted, is amended by striking the subparagraph."
 17 2. By renumbering as necessary.

Speaker pro tempore Carroll in the chair at 9:56 a.m.

Roll call was requested by Shoultz of Black Hawk and Jochum of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment [H-1605](#) to amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 48:

Bell	Berry	Bukta	Cohon
Dandekar	Davitt	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 Whitead	Wendt Winckler	Wessel-Kroeschell Wise	Whitaker Zirkelbach
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The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	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
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll, Presiding	

Absent or not voting, 1:

Fallon

Amendment [H-1605](#) lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fallon of Polk on request of Murphy of Dubuque.

Wendt of Woodbury offered the following amendment [H-1606](#), to amendment [H-1603](#), filed by him from the floor and moved its adoption:

[H-1606](#)

1 Amend the amendment, [H-1603](#), to [House File 882](#) as
 2 follows:
 3 1. Page 3, by striking lines 32 through 44, and
 4 inserting the following:
 5 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
 6 10, subsection 1, paragraph f, if enacted, is amended
 7 by adding the following new subparagraph:
 8 **NEW SUBPARAGRAPH.** (1A) The first \$1,000,000 shall
 9 be equally distributed by the state board of regents
 10 to the southwest Iowa graduate studies center, the
 11 tristate graduate center, and quad-cities graduate

12 studies center for the centers to expand graduate
 13 programs and the remainder shall be distributed as
 14 provided in subparagraph (2).
 15 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 16 10, subsection 1, paragraph f, subparagraph (6), if
 17 enacted, is amended by striking the subparagraph."
 18 2. By renumbering as necessary.

Roll call was requested by Wendt of Woodbury and Hunter of Polk.

On the question "Shall amendment [H-1606](#) to amendment [H-1603](#)
 be adopted?" ([H.F. 882](#))

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
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	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
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Carroll, Presiding	

Absent or not voting, 2:

Fallon	Frevert
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Amendment [H-1606](#) lost.

Speaker Rants in the chair at 10:09 a.m.

Pettengill of Benton offered the following amendment [H-1608](#), to amendment [H-1603](#), filed by her and Shomshor of Pottawattamie from the floor and moved its adoption:

[H-1608](#)

1 Amend the amendment, [H-1603](#), to [House File 882](#) as
 2 follows:
 3 1. Page 3, by striking lines 32 through 44 and
 4 inserting the following:
 5 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
 6 10, subsection 1, paragraph f, if enacted, is amended
 7 by adding the following new subparagraph:
 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
 9 be equally distributed by the state board of regents
 10 to the state school for the deaf and the Iowa braille
 11 and sight saving school to provide services by
 12 specially trained interventionists to families of
 13 identified children from birth through age five who
 14 have hearing or vision impairments and the remainder
 15 shall be distributed as provided in subparagraph (2).
 16 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 17 10, subsection 1, paragraph f, subparagraph (6), if
 18 enacted, is amended by striking the subparagraph."
 19 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Hunter of Polk.

On the question "Shall amendment [H-1608](#) to amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 46:

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

The nays were, 50:

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

Absent or not voting, 4:

Fallon	Frevert	Mertz	Olson, R.
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Amendment [H-1608](#) lost.

Mascher of Johnson offered the following amendment [H-1609](#), to amendment [H-1603](#), filed by her from the floor and moved its adoption:

[H-1609](#)

- 1 Amend the amendment, [H-1603](#), to [House File 882](#) as
- 2 follows:
- 3 1. Page 3, by striking lines 32 through 44 and
- 4 inserting the following:
- 5 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
- 6 10, subsection 1, paragraph f, if enacted, is amended
- 7 by adding the following new subparagraph:
- 8 NEW SUBPARAGRAPH. (1A) The first \$1,000,000 shall
- 9 be distributed by the state board of regents to
- 10 supplement the regents universities' work-study
- 11 programs and the remainder shall be distributed as
- 12 provided in subparagraph (2).
- 13 Sec. __. 2005 Iowa Acts, [House File 816](#), section
- 14 10, subsection 1, paragraph f, subparagraph (6), if
- 15 enacted, is amended by striking the subparagraph."
- 16 2. By renumbering as necessary.

Rule 75 was invoked.

Roll call was requested by Mascher of Johnson and Reasoner of Union.

On the question "Shall amendment [H-1609](#) to amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 46:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Gaskill	Heddens	Hogg	Hunter
Huser	Jacoby	Jochum	Kressig
Kuhn	Lensing	Lykam	Mascher
McCarthy	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, 53:

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

Absent or not voting, 1:

Fallon

Amendment [H-1609](#) lost.

Speaker pro tempore Carroll in the chair at 10:36 a.m.

Thomas of Clayton offered the following amendment [H-1616](#), to amendment [H-1603](#), filed by him from the floor and moved its adoption:

[H-1616](#)

1 Amend the amendment, [H-1603](#), to [House File 882](#) as
 2 follows:
 3 1. Page 3, by striking lines 32 through 44 and
 4 inserting the following:
 5 "Sec. __. 2005 Iowa Acts, [House File 816](#), section
 6 10, subsection 1, paragraph f, if enacted, is amended
 7 by adding the following new subparagraph:
 8 **NEW SUBPARAGRAPH.** (1A) The first \$1,000,000 shall
 9 be distributed by the state board of regents to
 10 provide stipends for regents university graduate
 11 students providing research for the Trans Ova project
 12 located in northwest Iowa and the remainder shall be
 13 distributed as provided in subparagraph (2).
 14 Sec. __. 2005 Iowa Acts, [House File 816](#), section
 15 10, subsection 1, paragraph f, subparagraph (6), if
 16 enacted, is amended by striking the subparagraph."
 17 2. By renumbering as necessary.

Roll call was requested by Thomas of Clayton and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment [H-1616](#) to amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	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, 52:

Alons	Anderson	Arnold	Baudler
Boal	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	Mertz	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Carroll, Presiding

Absent or not voting, 1:

Fallon

Amendment [H-1616](#) lost.

Kuhn of Floyd offered the following amendment [H-1615](#), to amendment [H-1603](#), filed by Kuhn, Kressig of Black Hawk, Lensing of Johnson, Mascher of Johnson, Oldson of Polk, Wendt of Woodbury, Wessel-Kroeschell of Story and Winckler of Scott from the floor and moved its adoption:

[H-1615](#)

- 1 Amend the amendment, [H-1603](#), to [House File 882](#) as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "___". Page 2, line 10, by striking the figure
- 6 "11,271,000" and inserting the following:
- 7 "29,971,000".
- 8 ___ Page 2, by striking lines 11 through 13, and
- 9 inserting the following:
- 10 "The amount appropriated under section 279.51,
- 11 subsection 1, pursuant to this subsection, is
- 12 allocated for purposes of the grants awarded by the
- 13 child development coordinating council and other
- 14 council duties as provided in section 279.51,
- 15 subsection 1, paragraph "b"."
- 16 2. Page 2, line 33, by striking the figure
- 17 "~~67,618,894~~" and inserting the following:
- 18 "~~92,683,894~~".
- 19 3. Page 3, line 31, by striking the figure

20 "14,969,288" and inserting the following:
 21 "40,000,000".
 22 4. Page 3, by striking lines 34 through 43 and
 23 inserting the following: "enacted, is amended by
 24 striking the subparagraph."

Speaker Rants in the chair at 10:47 a.m.

Roll call was requested by Kuhn of Floyd and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment [H-1615](#) to amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jenkins
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, 50:

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

Absent or not voting, 1:

Fallon

Amendment [H-1615](#) lost.

Dix of Butler moved the adoption of amendment [H-1603](#).

Roll call was requested by Murphy of Dubuque and Carroll of Poweshiek.

On the question "Shall amendment [H-1603](#) be adopted?" ([H.F. 882](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
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	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:

Fallon

Amendment [H-1603](#) was adopted, placing out of order amendment [H-1595](#), previously deferred, filed by Kressig, et al., on April 28, 2005.

Foegen of Linn offered the following amendment [H-1577](#), previously deferred, filed by him and Heddens of Story and moved its adoption:

[H-1577](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 4, line 23, by striking the word "eleven"
- 3 and inserting the following: "~~eleven~~ seven".

Amendment [H-1577](#) lost.

Hogg of Linn offered the following amendment [H-1597](#), previously deferred, filed by him and Petersen of Polk and moved its adoption:

[H-1597](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 7, by striking lines 14 through 27.
- 3 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reasoner of Union.

On the question "Shall amendment [H-1597](#) be adopted?" ([H.F. 882](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Eichhorn	Foegen
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, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Elgin

Freeman	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Huseman
Hutter	Jacobs	Jenkins	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Fallon

Amendment [H-1597](#) lost.

Winckler of Scott offered amendment [H-1618](#) filed by Winckler, Wendt of Woodbury, Oldson of Polk, Frevert of Palo Alto and Davitt of Warren from the floor as follows:

[H-1618](#)

1 Amend [House File 882](#) as follows:
2 1. Page 7, by striking line 33 and inserting the
3 following:
4 "Sec. __. Section 292.4, Code 2005, is amended to
5 read as follows:
6 292.4 APPROPRIATION.
7 There is appropriated from the general fund of the
8 state from moneys credited to the general fund of the
9 state as a result of the state entering into the
10 streamlined sales and use tax agreement to the secure
11 an advanced vision for education fund created in
12 section 423E.4, the sum of five million dollars for
13 each fiscal year of the fiscal period beginning July
14 1, 2004, and ending June 30, 2014. ~~The appropriation~~
15 ~~in this section shall be made after the appropriation~~
16 ~~from the same source to the grow Iowa values fund~~
17 ~~created in section 15C.108.~~ For purposes of this
18 section, "moneys credited to the general fund of the
19 state as a result of entering into the streamlined
20 sales and use tax agreement" means the amount of sales
21 and use tax receipts credited to the general fund of
22 the state during a fiscal year that exceeds by two
23 percent or more the total sales and use tax receipts
24 credited to the general fund of the state during the
25 previous fiscal year, based upon the latest estimate
26 for the amount of sales and use tax receipts issued

- 27 during the fiscal year by the revenue estimating
 28 conference."
 29 2. Page 7, line 35, by striking the word
 30 "repealing" and inserting the following: "amending".

Roll call was requested by Winckler of Scott and Hunter of Polk.

On the question "Shall amendment [H-1618](#) be adopted?" ([H.F. 882](#))

The ayes were, 45:

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

The nays were, 53:

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

Absent or not voting, 2:

Fallon Huser

Amendment [H-1618](#) lost.

Frevert of Palo Alto offered amendment [H-1614](#) filed by her and Kuhn of Floyd from the floor as follows:

[H-1614](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 14, by inserting after line 12 the
- 3 following:
- 4 "Sec. ___. Section 476C.1, subsection 6, paragraph
- 5 b, if enacted by 2005 Iowa Acts, [Senate File 390](#),
- 6 section 7, is amended by adding the following new
- 7 subparagraph:
- 8 (8) A community college as defined in section
- 9 260C.2.
- 10 Sec. ___. Section 476C.1, subsection 6, paragraph
- 11 d, if enacted by 2005 Iowa Acts, [Senate File 390](#),
- 12 section 7, is amended to read as follows:
- 13 d. Was initially placed into service on or after
- 14 ~~July~~ ~~November~~ 1, ~~2005~~ ~~2004~~, and before January 1,
- 15 2011."
- 16 2. Page 16, by inserting after line 16 the
- 17 following:
- 18 "Sec. ___. EFFECTIVE DATE. The sections of this
- 19 division of this Act amending section 476C.1, if
- 20 enacted, being deemed of immediate importance, take
- 21 effect upon enactment and are applicable beginning on
- 22 the enactment date of 2005 Iowa Acts, [Senate File 390](#),
- 23 if enacted."
- 24 3. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment [H-1614](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1614](#) not germane.

Murphy of Dubuque offered the following amendment [H-1620](#) filed by him from the floor and moved its adoption:

[H-1620](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 11, by striking lines 30 through 34.
- 3 2. By renumbering as necessary.

Amendment [H-1620](#) lost.

Winckler of Scott offered the following amendment [H-1584](#), previously deferred, filed by her and moved its adoption:

[H-1584](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 12, by inserting after line 18 the
- 3 following:
- 4 "Sec. __. Section 423E.4, subsection 3, paragraph
- 5 a, Code 2005, is amended to read as follows:
- 6 a. The director of revenue by June 1 preceding
- 7 each fiscal year shall compute the guaranteed school
- 8 infrastructure amount for each school district, each
- 9 school district's sales tax capacity per student for
- 10 each county, the statewide tax revenues per student,
- 11 and the supplemental school infrastructure amount for
- 12 the coming fiscal year.
- 13 Sec. __. Section 423E.4, subsection 3, paragraph
- 14 b, subparagraph (3), Code 2005, is amended by striking
- 15 the subparagraph and inserting in lieu thereof the
- 16 following:
- 17 (3) "Statewide tax revenues per student" means the
- 18 amount determined by estimating the total revenues
- 19 that would be generated by a one percent local option
- 20 sales and services tax for school infrastructure
- 21 purposes if imposed by all the counties during the
- 22 entire fiscal year and dividing this estimated revenue
- 23 amount by the sum of the combined actual enrollment
- 24 for all counties as determined in section 423E.3,
- 25 subsection 5, paragraph "d", subparagraph (2)."

Amendment [H-1584](#) lost.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-1612](#), to amendment [H-1581](#), filed by him from the floor.

Speaker pro tempore Carroll in the chair at 12:31 p.m.

Winckler of Scott offered the following amendment [H-1617](#), to amendment [H-1581](#), filed by her from the floor and moved its adoption:

[H-1617](#)

- 1 Amend the amendment, [H-1581](#), to [House File 882](#) as
- 2 follows:
- 3 1. Page 1, by striking lines 2 and 3, and

4 inserting the following:
5 "____. By striking page 26, line 20, through page
6 29, line 24 and inserting the following:
7 "Sec.____. FEES. County recorders shall collect
8 only statutorily authorized fees for land records
9 management. County recorders shall not collect fees
10 for viewing, accessing, or printing electronic land
11 management documents until authorized by the general
12 assembly.""
13 2. By renumbering as necessary.

Amendment [H-1617](#) was adopted.

Speaker Rants in the chair at 12:53 p.m.

Eichhorn of Hamilton moved the adoption of amendment [H-1581](#), as amended.

Rule 75 was invoked.

A non-record roll call was requested.

The ayes were 39, nays 57.

Amendment [H-1581](#), as amended, lost.

Wise of Lee offered the following amendment [H-1610](#), previously deferred, filed by Wise, Dandekar of Linn, Huser of Polk, Hogg of Linn, Petersen of Polk, Reichert of Muscatine, Whitaker of Van Buren, D. Olson of Boone and Mertz of Kossuth from the floor and moved its adoption:

[H-1610](#)

1 Amend [House File 882](#) as follows:
2 1. Page 40, by inserting after line 15 the
3 following:
4 "DIVISION
5 REPAYMENT OF FUNDS
6 Sec.____. Section 8.54, subsection 2, Code 2005,
7 is amended to read as follows:
8 2. There is created a state general fund
9 expenditure limitation for each fiscal year calculated
10 as provided in this section. An expenditure
11 limitation shall be used for ~~the portion of~~ the budget
12 process commencing on the date the revenue estimating
13 conference agrees to a revenue estimate for the

14 following fiscal year in accordance with section
15 8.22A, subsection 3, and ending with the ~~governor's~~
16 ~~final approval or disapproval of the appropriations~~
17 ~~bills applicable to that fiscal year that were passed~~
18 ~~prior to July 1 of that fiscal year in a regular or~~
19 ~~extraordinary legislative session close of the fiscal~~
20 ~~year for which the expenditure limitation was~~
21 ~~calculated. Once the fiscal year for which the~~
22 ~~expenditure limitation was calculated commences, the~~
23 ~~expenditure limitation for that fiscal year is not~~
24 ~~subject to adjustment or readjustment except by law~~
25 ~~enacted for that purpose.~~

26 Sec. __. Section 8.54, Code 2005, is amended by
27 adding the following new subsections:

28 NEW SUBSECTION. 8. a. The requirements of this
29 subsection are only applicable under the state general
30 fund expenditure limitation for a fiscal year when the
31 adjusted revenue estimate used to establish the
32 expenditure limitation for that fiscal year represents
33 an increase of two percent or more over the adjusted
34 revenue estimate used to establish the expenditure
35 limitation for the immediately preceding fiscal year.
36 b. If an appropriation is made for a fiscal year
37 from a source other than the general fund of the state
38 for a designated purpose and in either of the two
39 fiscal years immediately preceding that fiscal year
40 the designated purpose was funded by an appropriation
41 from the general fund of the state, for the purposes
42 of the state general fund expenditure limitation, the
43 amount of the appropriation from the other source
44 shall be considered to have been transferred to and
45 appropriated from the general fund of the state and
46 shall be counted as both a new revenue causing
47 readjustment of the expenditure limitation amount and
48 as an appropriation made under the expenditure
49 limitation amount. Subject to the applicability
50 condition in paragraph "a", the requirements of this

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1 subsection shall apply to either or both the initial
2 and immediately succeeding fiscal years for which the
3 appropriation is made from the other funding source.
4 NEW SUBSECTION. 9. a. Commencing during the
5 fiscal year that begins July 1, 2006, if the adjusted
6 revenue estimate used to establish the expenditure
7 limitation for the succeeding fiscal year represents
8 an increase over the adjusted revenue estimate used to
9 establish the expenditure limitation for the fiscal
10 year in progress by a percentage amount listed in this
11 paragraph, there is appropriated from the general fund
12 of the state to the office of the treasurer of state

13 for the succeeding fiscal year, the indicated amount.
14 An appropriation made pursuant to this subsection
15 shall be counted under the state general fund
16 expenditure limitation amount for the fiscal year for
17 which the appropriation is made. The treasurer of
18 state shall distribute the appropriation as provided
19 in paragraph "b" to be used to restore funding that
20 was transferred to the general fund of the state or
21 appropriated from various funds and accounts in lieu
22 of funding from the general fund of the state. The
23 appropriation made in this paragraph shall continue on
24 an annual basis until the amounts listed in paragraph
25 "b" have all been distributed. If the amount
26 appropriated would exceed the amount remaining to be
27 distributed, the appropriation shall be reduced by the
28 excess.

29 (1) For an increase in the adjusted revenue
30 estimate of at least two percent but less than four
31 percent, the appropriation made in this paragraph "a"
32 shall be an amount equal to one-half of one percent of
33 the adjusted revenue estimate used to establish the
34 state general fund expenditure limitation for the
35 fiscal year for which the appropriation is made.

36 (2) For an increase in the adjusted revenue
37 estimate of at least four percent but less than six
38 percent, the appropriation made in this paragraph "a"
39 shall be an amount equal to one percent of the
40 adjusted revenue estimate used to establish the state
41 general fund expenditure limitation for the fiscal
42 year for which the appropriation is made.

43 (3) For an increase in the adjusted revenue
44 estimate of at least six percent but less than eight
45 percent, the appropriation made in this paragraph "a"
46 shall be an amount equal to one and one-half percent
47 of the adjusted revenue estimate used to establish the
48 state general fund expenditure limitation for the
49 fiscal year for which the appropriation is made.

50 (4) For an increase in the adjusted revenue

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1 estimate of eight percent or more, the appropriation
2 made in this paragraph "a" shall be an amount equal to
3 two percent of the adjusted revenue estimate used to
4 establish the state general fund expenditure
5 limitation for the fiscal year for which the
6 appropriation is made.

7 b. The appropriation made in paragraph "a" shall
8 be annually, if necessary, distributed as provided in
9 this paragraph "b". Unless otherwise provided by law,
10 notwithstanding section 8.33, moneys distributed in
11 accordance with this paragraph that remain

12 unencumbered or unobligated at the close of the fiscal
13 year shall not revert but shall remain available for
14 expenditure for the purposes designated until
15 expended.

16 (1) Moneys appropriated in paragraph "a" shall be
17 distributed to the funds and departments listed in
18 this subparagraph, in the order and amounts listed
19 until the full amounts listed have been distributed.
20 To the extent the appropriation for a fiscal year is
21 insufficient to fully fund an amount listed or
22 remaining, the amount of the insufficiency shall be
23 distributed from the next succeeding appropriation or
24 appropriations. When all amounts listed in this
25 subparagraph have been distributed in full, any
26 remaining amounts of the appropriation made in
27 paragraph "a" shall be distributed as provided in
28 subparagraph (2). Moneys distributed pursuant to this
29 subparagraph (1) shall be used for the purposes of the
30 fund or department to which distributed, unless a
31 purpose is stated with the amount:

32 (a) The innovations fund created in section 8.63,
33 four hundred thousand dollars.

34 (b) The state department of transportation to be
35 used for aviation hangars, three hundred sixty
36 thousand dollars, and for airport engineering studies
37 and improvement projects, three hundred forty-seven
38 thousand dollars.

39 (c) The special all-terrain vehicle fund created
40 pursuant to section 321I.8, eight hundred thousand
41 dollars.

42 (d) The victim compensation fund established in
43 section 915.94, one million dollars.

44 (e) The special snowmobile fund created pursuant
45 to section 321G.7, one million dollars.

46 (f) The revolving fund created in section
47 602.1302, for the purpose of paying jury and witness
48 fees and mileage by the judicial branch, one million
49 dollars.

50 (g) The brucellosis and tuberculosis eradication

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1 fund created in section 165.18, one million dollars.

2 (h) The alternative drainage system assistance
3 fund created in section 460.303, one million one
4 hundred thousand dollars.

5 (i) The property tax relief fund risk pool created
6 in section 426B.5, subsection 2, one million five
7 hundred thousand dollars.

8 (j) The title guaranty fund created in section
9 16.91, two million seven hundred thousand dollars.

10 (k) The waste tire management fund created in

11 section 455D.11C, four million six hundred thousand
12 dollars.

13 (l) The groundwater protection fund established in
14 section 455E.11, five million two hundred thousand
15 dollars.

16 (m) The state department of transportation to be
17 used for recreational trails projects, five million
18 five hundred thousand dollars.

19 (n) The strategic investment fund created in
20 section 15.313, three million dollars.

21 (o) The physical infrastructure assistance fund
22 created in section 15E.175, two million five hundred
23 thousand dollars.

24 (p) The value-added agricultural products and
25 processes financial assistance fund created in section
26 15E.112, seven hundred fifty thousand dollars.

27 (q) The school infrastructure fund created in
28 section 12.82, twenty-two million dollars.

29 (2) When the amounts listed in subparagraph (1)
30 have all been distributed, any remaining amounts of
31 the appropriation made in paragraph "a" shall be
32 annually distributed to the account and funds listed
33 in this subparagraph (2) until the full amounts listed
34 have been distributed. If the appropriation is
35 insufficient to fully fund all amounts listed or
36 remaining, the appropriation shall be prorated among
37 the account and funds based upon an amount's
38 proportion of the total amount to be distributed. The
39 distribution of the appropriation made in paragraph
40 "a" shall continue in succeeding fiscal years until
41 the entire amount listed for each account or fund in
42 this subparagraph (2) has been distributed. Moneys
43 distributed shall be used for the purposes of the
44 account or fund to which distributed:

45 (a) The endowment for Iowa's health account of the
46 tobacco settlement trust fund created pursuant to
47 section 12E.12, four hundred twenty-nine million one
48 hundred thousand dollars.

49 (b) The environment first fund created in section
50 8.57A, fifty-four million five hundred thousand

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1 dollars.

2 (c) The rebuild Iowa infrastructure fund created
3 in section 8.57, subsection 6, forty-three million
4 eight hundred thousand dollars.

5 (d) The senior living trust fund created in
6 section 249H.4, four hundred forty-six million
7 dollars.

8 (e) The Iowa comprehensive petroleum underground
9 storage tank fund created in section 455G.3, forty-

10 eight million dollars.

11 (f) The cash reserve fund created in section 8.56,
12 two hundred ninety million dollars.

13 (3) The aggregate amount of the appropriations to
14 be transferred from the Iowa economic emergency fund
15 to the senior living trust fund and the endowment for
16 Iowa's health account of the tobacco settlement trust
17 fund pursuant to section 8.55, subsection 2,
18 paragraphs "b" and "c", and the amount to be
19 transferred to the senior living trust fund pursuant
20 to section 8.57, subsection 2, paragraph "d", shall be
21 reduced by the distributions made to the fund and
22 account in accordance with subparagraph (2). The
23 amounts to be distributed to the senior living trust
24 fund and the endowment for Iowa's health account in
25 accordance with subparagraph (2) shall be reduced by
26 any amounts transferred to the fund or account
27 pursuant to section 8.55, subsection 2, paragraphs "b"
28 and "c", or section 8.57, subsection 2, paragraph "d".

29 c. This subsection is repealed on July 1 following
30 the fiscal year in which all amounts listed in
31 paragraph "b" have been paid in full. The treasurer
32 of state shall notify the Code editor when the amounts
33 have been paid in full.

34 Sec. __. Section 8.55, subsection 2, paragraphs
35 b, c, and d, Code 2005, are amended to read as
36 follows:

37 ~~b. Notwithstanding paragraph "a", any moneys in
38 excess of the maximum balance in the economic
39 emergency fund after the distribution of the surplus
40 in the general fund of the state at the conclusion of
41 the fiscal year beginning July 1, 2002, and subsequent
42 fiscal years, shall not be transferred to the general
43 fund of the state but shall be transferred to the
44 endowment for Iowa's health account of the tobacco
45 settlement trust fund. The amount transferred under
46 this paragraph shall not exceed the difference between
47 forty million dollars and the total amount transferred
48 to the endowment for Iowa's health account pursuant to
49 2001 Iowa Acts, chapter 177, section 2, as amended by
50 2001 Iowa Acts, chapter 187, section 28, and previous~~

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1 ~~fiscal years.~~

2 e. Notwithstanding paragraph "a", any moneys in
3 excess of the maximum balance in the economic
4 emergency fund after the distribution of the surplus
5 in the general fund of the state at the conclusion of
6 each fiscal year ~~and after the appropriate amount has
7 been transferred pursuant to paragraph "b", shall not
8 be transferred to the general fund of the state but~~

9 shall be transferred to the senior living trust fund.
10 The total amount transferred, in the aggregate, under
11 this paragraph, section 8.54, subsection 9, paragraph
12 "b", and section 8.57, subsection 2, paragraph "d",
13 for all fiscal years shall not exceed ~~one~~ four hundred
14 ~~eighteen~~ forty-six million dollars.
15 ~~d. c.~~ Notwithstanding paragraph "a", any moneys
16 in excess of the maximum balance in the economic
17 emergency fund after the distribution of the surplus
18 in the general fund of the state at the conclusion of
19 each fiscal year and after the appropriate amounts
20 have been transferred pursuant to ~~paragraphs~~ paragraph
21 "b" and "e" shall not be transferred to the general
22 fund of the state but shall be transferred to the
23 endowment for Iowa's health account of the tobacco
24 settlement trust fund. The total amount transferred,
25 in the aggregate, under this paragraph for all fiscal
26 years shall not exceed the difference between ~~one~~ four
27 hundred ~~thirty-one~~ twenty-nine million ~~five one~~
28 hundred ~~thirty-six~~ thousand dollars and the amounts
29 transferred to the endowment for Iowa's health account
30 to repay the amounts transferred or appropriated from
31 the endowment for Iowa's health account in 2002 Iowa
32 Acts, chapter 1165, 2002 Iowa Acts, chapter 1166, 2002
33 Iowa Acts, chapter 1167, 2002 Iowa Acts, Second
34 Extraordinary Session, chapter 1003, 2003 Iowa Acts,
35 chapter 183, and 2004 Iowa Acts, chapter 1175, and the
36 amounts distributed to the endowment for Iowa's health
37 account pursuant to section 8.54, subsection 9,
38 paragraph "b".
39 Sec. __. Section 8.57, subsection 2, paragraph d,
40 Code 2005, is amended to read as follows:
41 d. The aggregate amount of the appropriations to
42 be transferred from the Iowa economic emergency fund
43 to the senior living trust fund pursuant to section
44 8.55, subsection 2, paragraph "~~e~~" "b", shall be
45 reduced by the appropriations made pursuant to
46 paragraph "a" of this subsection and the amounts
47 distributed to the senior living trust fund pursuant
48 to section 8.54, subsection 9, paragraph "b".
49 Sec. __. EFFECTIVE AND APPLICABILITY DATES. The
50 section of this division of this Act amending section

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1 8.54, subsection 2, and the provision of the section
2 of this division of this Act enacting section 8.54,
3 subsection 8, take effect July 1, 2006, and are first
4 applicable to the state general fund expenditure
5 limitation established for the fiscal year beginning
6 July 1, 2007."
7 2. By renumbering as necessary.

Roll call was requested by Wise of Lee and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment [H-1610](#) be adopted?" ([H.F. 882](#))

The ayes were, 48:

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

The nays were, 51:

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

Absent or not voting, 1:

Fallon

Amendment [H-1610](#) lost.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment [H-1619](#) filed by him from the floor.

Murphy of Dubuque offered the following amendment [H-1621](#) filed by him from the floor and moved its adoption:

[H-1621](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 2, line 16, by striking the figure
- 3 "8,273,763" and inserting the following: "0".
- 4 2. Page 2, by striking lines 17 through 20.

Roll call was requested by Murphy of Dubuque and Reasoner of Union.

On the question "Shall amendment [H-1621](#) be adopted?" ([H.F. 882](#))

The ayes were, none.

The nays were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Ford	Freeman	Frevort	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	

Absent or not voting, 1:

Fallon

Amendment [H-1621](#) lost.

Smith of Marshall offered amendment [H-1622](#) filed by him from the floor as follows:

[H-1622](#)

- 1 Amend [House File 882](#) as follows:
- 2 1. Page 12, by inserting after line 2 the
- 3 following:
- 4 "Sec. ___. NEW SECTION. 327F.21 RAILROAD WORKER
- 5 WALKWAYS.
- 6 1. The state department of transportation shall
- 7 adopt rules requiring the provision of safe walkways
- 8 for railroad workers in areas where work is regularly
- 9 performed on the ground. The rules shall provide, at
- 10 a minimum, that any railroad walkway have a reasonably
- 11 uniform surface, be maintained in a safe condition,
- 12 and be reasonably free of obstacles, debris, and other
- 13 hazards.
- 14 2. Violation of a rule adopted under this section
- 15 is, upon conviction, subject to a schedule "one"
- 16 penalty as provided under section 327C.5."
- 17 2. By renumbering as necessary.

Dix of Butler rose on a point of order that amendment [H-1622](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1622](#) not germane.

Dix of Butler 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. 882](#))

The ayes were, 54:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Huser	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Maddox	May

McCarthy	Olson, R.	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wilderdyke	Mr. Speaker		
	Rants		

The nays were, 45:

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

Absent or not voting, 1:

Fallon

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

RULES SUSUPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for the immediate consideration of [House File 881](#).

[House File 881](#), a bill for an act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including effective and retroactive applicability date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 881](#))

The ayes were, 52:

Anderson	Arnold	Bell	Berry
Boal	Bukta	Carroll	Cphoon
Dolecheck	Eichhorn	Elgin	Foege
Ford	Gaskill	Gipp	Granzow
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Lensing
Lukan	Mascher	Mertz	Miller
Murphy	Oldson	Olson, R.	Petersen
Rasmussen	Reasoner	Roberts	Schickel
Shoultz	Smith	Soderberg	Taylor, D.
Taylor, T.	Tjepkes	Tomenga	Upmeyer
Van Fossen, J.R.	Wendt	Wise	Mr. Speaker
			Rants

The nays were, 46:

Alons	Chambers	Dandekar	Davitt
De Boef	Dix	Drake	Freeman
Frevert	Greiner	Hogg	Huser
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lykam	Maddox
May	McCarthy	Olson, D.	Olson, S.
Paulsen	Pettengill	Quirk	Raecker
Rayhons	Reichert	Sands	Schueller
Shomshor	Struyk	Swaim	Thomas
Tymeson	Van Engelenhoven	Van Fossen, J.K.	Watts
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Zirkelbach		

Absent or not voting, 2:

Baudler	Fallon
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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 881](#) be immediately messaged to the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baudler of Adair, until his arrival, on request of Gipp of Winneshiek.

Ways and Means Calendar

[House File 878](#), 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, was taken up for consideration.

[SENATE FILE 413](#) SUBSTITUTED FOR [HOUSE FILE 878](#)

J.K. Van Fossen of Scott asked and received unanimous consent to substitute [Senate File 413](#) for [House File 878](#).

[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, was taken up for consideration.

J.K. Van Fossen of Scott offered amendment [H-1575](#) filed by him and Shomshor of Pottawattamie as follows:

[H-1575](#)

1 Amend [Senate File 413](#), as passed by the Senate, as
2 follows:
3 1. Page 26, by inserting after line 5 the
4 following:
5 "DIVISION
6 TAX POLICY AND ADMINISTRATION
7 Sec. __. Section 421.17, subsection 12, Code
8 2005, is amended to read as follows:
9 12. To make ~~a summary~~ an annual report of the tax
10 situation in the state, setting out the amount of
11 moneys raised by both direct and indirect taxation;
12 and also to formulate and recommend legislation for
13 the better administration of the fiscal laws so as to
14 secure just and equal taxation. To recommend such
15 additions to and changes in the present system of

16 taxation that in the director's judgment are for the
 17 best interest of the state and will eliminate the
 18 necessity of any levy for state purposes. In
 19 compiling the annual report, state agencies shall
 20 assist the department and the department shall provide
 21 the revenues from, but not limited to, all of the
 22 following sources:
 23 a. Income tax.
 24 b. Sales tax.
 25 c. Property tax, by category.
 26 d. School income tax.
 27 e. Local option sales taxes.
 28 f. Transfers-in from federal government agencies.
 29 g. Fees and other dollars paid to state government
 30 agencies.

31 Sec. __. Section 422.9, subsection 1, Code 2005,
 32 is amended to read as follows:

33 1. An optional standard deduction, after deduction
 34 of federal income tax, equal to one thousand two
 35 hundred thirty dollars for a married person who files
 36 separately or a single person or equal to three
 37 thousand thirty dollars for a husband and wife who
 38 file a joint return, a surviving spouse, or an
 39 unmarried head of household. The optional standard
 40 deduction shall not exceed the amount remaining after
 41 deduction of the federal income tax. The amount of
 42 federal income tax deducted shall be computed as
 43 provided in subsection 2, paragraph "b".

44 Sec. __. Section 422.9, subsection 2, paragraph
 45 b, Code 2005, is amended to read as follows:

46 b. Add the amount of federal income taxes paid or
 47 accrued, as the case may be, during the tax year,
 48 ~~adjusted by and subtract~~ any federal income tax
 49 ~~refunds received during the tax year. Provided,~~
 50 ~~however, that where~~ Where married persons, who have

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1 filed a joint federal income tax return, file
 2 separately, such total shall be divided between them
 3 according to the portion ~~thereof of the total~~ paid or
 4 accrued, as the case may be, by each. Federal income
 5 taxes paid for a tax year in which an Iowa return was
 6 not required to be filed shall not be added and
 7 federal income tax refunds received from a tax year in
 8 which an Iowa return was not required to be filed
 9 shall not be subtracted.

10 Sec. __. Section 422.9, subsection 2, paragraphs
 11 g and h, Code 2005, are amended by striking the
 12 paragraphs.

13 Sec. __. Section 422.16, subsection 2, unnumbered
 14 paragraph 1, Code 2005, is amended to read as follows:

15 A withholding agent required to deduct and withhold
16 tax under subsections 1 and 12, ~~except those required~~
17 ~~to deposit on a semimonthly basis, shall deposit for~~
18 ~~each calendar quarterly period, shall file a return~~
19 and remit to the department the amount of tax on or
20 before the last day of the month following the close
21 of the quarterly period, ~~on a quarterly deposit form~~
22 as on forms prescribed by the director ~~and shall pay~~
23 ~~to the department, in the form of remittances made~~
24 ~~payable to "Treasurer, State of Iowa", the tax~~
25 ~~required to be withheld, or the tax actually withheld,~~
26 ~~whichever is greater, under subsections 1 and 12.~~
27 However, a withholding agent who withholds more than
28 fifty five hundred dollars in any one month, ~~except~~
29 ~~those required to deposit on a semimonthly basis, and~~
30 not more than five thousand dollars in a semimonthly
31 period shall deposit with the department the amount
32 withheld, with a monthly deposit form as prescribed by
33 the director. The monthly deposit form is due on or
34 before the fifteenth day of the month following the
35 month of withholding, except that a deposit is not
36 required for ~~the amount withheld in~~ the third month of
37 ~~the calendar quarter but the total amount of~~
38 ~~withholding for the quarter shall be computed and the~~
39 ~~amount by which the deposits for that quarter fail to~~
40 ~~equal the total quarterly liability is due with the~~
41 ~~filing of the quarterly deposit form. The quarterly~~
42 ~~deposit form is due within the month following the end~~
43 ~~of the quarter. A~~ The total quarterly amount, less
44 the amounts deposited for the first two months of the
45 quarter, is due with the quarterly return due on or
46 before the last day of the month following the close
47 of the quarterly period on forms prescribed by the
48 director. However, a withholding agent who withholds
49 more than eight five thousand dollars in a semimonthly
50 period shall deposit with the department the amount

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1 withheld, with a semimonthly deposit form as
2 prescribed by the director. The first semimonthly
3 deposit form for the period from the first of the
4 month through the fifteenth of the month is due on the
5 twenty-fifth day of the month in which the withholding
6 occurs. The second semimonthly deposit form for the
7 period from the sixteenth of the month through the end
8 of the month is due on the tenth day of the month
9 following the month in which the withholding occurs.
10 A withholding agent must also file a quarterly return
11 which reconciles the amount of tax withheld for the
12 quarter with the amount of semimonthly deposits. The
13 quarterly return is due on or before the last day of

14 the month following the close of the quarterly period
15 on forms prescribed by the director.

16 Sec. __. Section 422.35, subsection 15, Code
17 2005, is amended by striking the subsection.

18 Sec. __. Section 423.1, subsection 50, Code 2005,
19 is amended to read as follows:

20 50. "Services" means all acts or services
21 rendered, furnished, or performed, other than services
22 used in processing of tangible personal property for
23 use in retail sales or services, for an employer, ~~as~~
24 ~~defined in section 422.4, subsection 3, who pays the~~
25 ~~wages of an employee~~ for a valuable consideration by
26 any person engaged in any business or occupation
27 specifically enumerated in section 423.2. The tax
28 shall be due and collectible when the service is
29 rendered, furnished, or performed for the ultimate
30 user of the service.

31 Sec. __. Section 423.2, Code 2005, is amended by
32 adding the following new subsection:

33 **NEW SUBSECTION.** 9A. Any person or that person's
34 affiliate, which is a retailer in this state or a
35 retailer maintaining a business in this state under
36 this chapter, that enters into a contract with an
37 agency of this state must register, collect, and remit
38 Iowa sales tax under this chapter on all sales of
39 tangible personal property and enumerated services.
40 Every bid submitted and each contract executed by a
41 state agency shall contain a certification by the
42 bidder or contractor stating that the bidder or
43 contractor is registered with the department and will
44 collect and remit Iowa sales tax due under this
45 chapter. In the certification, the bidder or
46 contractor shall also acknowledge that the state
47 agency may declare the contract or bid void if the
48 certification is false. Fraudulent certification, by
49 act or omission, may result in the state agency or its
50 representative filing for damages for breach of

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1 contract.

2 For the purposes of this subsection, the following
3 definitions apply:

4 a. "Affiliate" means any entity to which any of
5 the following applies:

6 (1) Directly, indirectly, or constructively
7 controls another entity.

8 (2) Is directly, indirectly, or constructively
9 controlled by another entity.

10 (3) Is subject to the control of a common entity.

11 A common entity is one which owns directly or
12 individually more than ten percent of the voting

13 securities of the entity.
14 b. "State agency" means an authority, board,
15 commission, department, instrumentality, or other
16 administrative office or unit of this state, or any
17 other state entity reported in the Iowa comprehensive
18 annual financial report, including public institutions
19 of higher education.
20 c. "Voting security" means a security to which any
21 of the following applies:
22 (1) Confers upon the holder the right to vote for
23 the election of members of the board of directors or
24 similar governing body of the entity.
25 (2) Is convertible into, or entitles the holder to
26 receive upon its exercise, a security that confers
27 such a right to vote.
28 (3) Is a general partnership interest.
29 Sec. __. Section 423.3, subsection 5, Code 2005,
30 is amended to read as follows:
31 5. a. The sales price of agricultural limestone,
32 herbicide, pesticide, insecticide, including
33 adjuvants, surfactants, and other products directly
34 related to the application enhancement of those
35 products, food, medication, or agricultural drain
36 tile, including installation of agricultural drain
37 tile, any of which are to be used in disease control,
38 weed control, insect control, or health promotion of
39 plants or livestock produced as part of agricultural
40 production for market.
41 b. The following enumerated materials associated
42 with the installation of agricultural drain tile which
43 is exempt pursuant to paragraph "a" shall also be
44 exempt under paragraph "a":
45 (1) Tile intakes.
46 (2) Outlet pipes and guards.
47 (3) Aluminum and gabion structures.
48 (4) Erosion control fabric.
49 (5) Water control structures.
50 (6) Miscellaneous tile fittings.

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1 Sec. __. Section 423.3, subsection 39, Code 2005,
2 is amended by adding the following new unnumbered
3 paragraph:
4 NEW UNNUMBERED PARAGRAPH. The exemption under this
5 subsection does not apply to vehicles subject to
6 registration, aircraft, or commercial or pleasure
7 watercraft or water vessels.
8 Sec. __. Section 423.3, Code 2005, is amended by
9 adding the following new subsection:
10 NEW SUBSECTION. 85. The sales price from services
11 performed on a vessel if all of the following apply:

12 a. The vessel is a licensed vessel under the laws
13 of the United States coast guard.

14 b. The vessel is not moored or tied to a physical
15 location in this state.

16 c. The service is used to repair or restore a
17 defect in the vessel.

18 d. The vessel is engaged in interstate commerce
19 and will continue in interstate commerce once the
20 repairs or restoration is completed.

21 e. The vessel is in navigable water that borders
22 the eastern boundary of this state.

23 Sec. __. Section 423.5, Code 2005, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 8. Any person or that person's
26 affiliate, which is a retailer in this state or a
27 retailer maintaining a business in this state under
28 this chapter, that enters into a contract with an
29 agency of this state must register, collect, and remit
30 Iowa use tax under this chapter on all sales of
31 tangible personal property and enumerated services.
32 Every bid submitted and each contract executed by a
33 state agency shall contain a certification by the
34 bidder or contractor stating that the bidder or
35 contractor is registered with the department and will
36 collect and remit Iowa use tax due under this chapter.
37 In the certification, the bidder or contractor shall
38 also acknowledge that the state agency may declare the
39 contract or bid void if the certification is false.

40 Fraudulent certification, by act or omission, may
41 result in the state agency or its representative
42 filing for damages for breach of contract.

43 For the purposes of this subsection, "affiliate",
44 "state agency", and "voting security" mean the same as
45 defined in section 423.2, subsection 9A.

46 Sec. __. Section 423A.1, unnumbered paragraph 3,
47 Code 2005, is amended to read as follows:

48 A local hotel and motel tax shall be imposed on
49 January 1, ~~April 1, or July 1, or October 1,~~ following
50 the notification of the director of revenue. Once

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1 imposed, the tax shall remain in effect at the rate
2 imposed for a minimum of one year. A local hotel and
3 motel tax shall terminate only on ~~March 31, June 30,~~
4 ~~September 30,~~ or December 31. At least sixty days
5 prior to the tax being effective or prior to a
6 revision in the tax rate, or prior to the repeal of
7 the tax, a city or county shall provide notice by mail
8 of such action to the director of revenue.

9 Sec. __. Section 423E.4, subsection 3, paragraph
10 a, Code 2005, is amended to read as follows:

11 a. The director of revenue by ~~June 1 preceding~~
12 ~~August 15~~ of each fiscal year shall compute the
13 guaranteed school infrastructure amount for each
14 school district, each school district's sales tax
15 capacity per student for each county, and the
16 supplemental school infrastructure amount for the
17 coming fiscal year.

18 Sec. __. Section 424.7, Code 2005, is amended by
19 adding the following new subsection:

20 ~~NEW SUBSECTION. 5.~~ The director may require by
21 rule that reports and returns be filed by electronic
22 transmission.

23 Sec. __. Section 424.10, subsection 3, Code 2005,
24 is amended to read as follows:

25 3. If the amount paid is greater than the correct
26 charge, penalty, and interest due, the department
27 shall refund the excess, with interest ~~after sixty~~
28 ~~days from the date of payment at the rate in effect~~
29 ~~under section 421.7~~, pursuant to rules prescribed by
30 the director. However, the director shall not allow a
31 claim for refund that has not been filed with the
32 department within three years after the charge payment
33 upon which a refund is claimed became due, or one year
34 after the charge payment was made, whichever time is
35 later. A determination by the department of the
36 amount of charge, penalty, and interest due, or the
37 amount of refund for any excess amount paid, is final
38 unless the person aggrieved by the determination
39 appeals to the director for a revision of the
40 determination within sixty days from the date of the
41 notice of determination of charge, penalty, and
42 interest due or refund owing. The director shall
43 grant a hearing, and upon hearing the director shall
44 determine the correct charge, penalty, and interest
45 due or refund owing, and notify the appellant of the
46 decision by mail. The decision of the director is
47 final unless the appellant seeks judicial review of
48 the director's decision under section 424.13.

49 Sec. __. Section 425.1, subsection 4, Code 2005,
50 is amended to read as follows:

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1 4. Annually the department of revenue shall
2 ~~estimate the credit not to exceed the actual levy on~~
3 ~~the first four thousand eight hundred fifty dollars of~~
4 ~~actual value of each eligible homestead, and shall~~
5 certify to the county auditor of each county the
6 credit and its amount in dollars. Each county auditor
7 shall then enter the credit against the tax levied on
8 each eligible homestead in each county payable during
9 the ensuing year, designating on the tax lists the

10 credit as being from the homestead credit fund, and
 11 credit shall then be given to the several taxing
 12 districts in which eligible homesteads are located in
 13 an amount equal to the credits allowed on the taxes of
 14 the homesteads. The amount of credits shall be
 15 apportioned by each county treasurer to the several
 16 taxing districts as provided by law, in the same
 17 manner as though the amount of the credit had been
 18 paid by the owners of the homesteads. However, the
 19 several taxing districts shall not draw the funds so
 20 credited until after the semiannual allocations have
 21 been received by the county treasurer, as provided in
 22 this chapter. Each county treasurer shall show on
 23 each tax receipt the amount of credit received from
 24 the homestead credit fund.

25 Sec. __. NEW SECTION. 427.3 ABATEMENT OF TAXES
 26 OF CERTAIN EXEMPT ENTITIES.

27 The board of supervisors may abate the taxes levied
 28 against property acquired by gift by a person or
 29 entity if the property acquired by gift was
 30 transferred to the person or entity after the deadline
 31 for filing for property tax exemption in the year in
 32 which the property was transferred and the property
 33 acquired by gift would have been exempt under section
 34 427.1, subsection 7, 8, or 9, if the person or entity
 35 had been able to file for exemption in a timely
 36 manner.

37 Sec. __. Section 441.6, unnumbered paragraph 2,
 38 Code 2005, is amended to read as follows:

39 Upon receipt of the report of the examining board,
 40 the chairperson of the conference board shall by
 41 written notice call a meeting of the conference board
 42 to appoint an assessor. The meeting shall be held not
 43 later than seven days after the receipt of the report
 44 of the examining board by the conference board. ~~The~~
 45 ~~physical condition, general reputation of the~~
 46 ~~applicants, and their fitness for the position as~~
 47 ~~determined by the examining board shall be taken into~~
 48 ~~consideration in making the appointment.~~ At the
 49 meeting, the conference board shall appoint an
 50 assessor from the register of eligible candidates.

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1 However, if a special examination has not been
 2 conducted previously for the same vacancy, the
 3 conference board may request the director of revenue
 4 to hold a special examination pursuant to section
 5 441.7. The chairperson of the conference board shall
 6 give written notice to the director of revenue of the
 7 appointment and its effective date within ten days of
 8 the decision of the board.

9 Sec. ___. Section 441.8, unnumbered paragraph 1,
10 Code 2005, is amended to read as follows:
11 The term of office of an assessor appointed under
12 this chapter shall be for six years. Appointments for
13 each succeeding term shall be made in the same manner
14 as the original appointment except that not less than
15 ninety days before the expiration of the term of the
16 assessor the conference board shall hold a meeting to
17 determine whether or not it desires to reappoint the
18 incumbent assessor to a new term. If the decision is
19 made not to reappoint the assessor, the assessor shall
20 be notified, in writing, of such decision not less
21 than ninety days prior to the expiration of the
22 assessor's term of office. Failure of the conference
23 board to provide timely notification of the decision
24 not to reappoint the assessor shall result in the
25 assessor being reappointed.
26 Sec. ___. Section 441.8, unnumbered paragraphs 6
27 and 7, Code 2005, are amended to read as follows:
28 Upon receiving credit equal to one hundred fifty
29 hours of classroom instruction during the assessor's
30 current term of office of which at least ninety of the
31 one hundred fifty hours are from courses requiring an
32 examination upon conclusion of the course, the
33 director of revenue shall certify to the assessor's
34 conference board that the assessor is eligible to be
35 reappointed to the position. For persons appointed to
36 complete an unexpired term, the number of credits
37 required to be certified as eligible for reappointment
38 shall be prorated according to the amount of time
39 remaining in the present term of the assessor. If the
40 person was an assessor in another jurisdiction, the
41 assessor may carry forward any credit hours received
42 in the previous position in excess of the number that
43 would be necessary to be considered current in that
44 position. Upon written request by the person seeking
45 a waiver of the continuing education requirements, the
46 director may waive the continuing education
47 requirements if the director determines good cause
48 exists for the waiver.
49 Within each six-year period following the
50 appointment of a deputy assessor, the deputy assessor

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1 shall comply with this section except that upon the
2 successful completion of ninety hours of classroom
3 instruction of which at least sixty of the ninety
4 hours are from courses requiring an examination upon
5 conclusion of the course, the deputy assessor shall be
6 certified by the director of revenue as being eligible
7 to remain in the position. If a deputy assessor fails

8 to comply with this section, the deputy assessor shall
 9 be removed from the position until successful
 10 completion of the required hours of credit. If a
 11 deputy is appointed to the office of assessor, the
 12 hours of credit obtained as deputy pursuant to this
 13 section shall be credited to that individual as
 14 assessor and for the individual to be reappointed at
 15 the expiration of the term as assessor, that
 16 individual must obtain the credits which are necessary
 17 to total the number of hours for reappointment. Upon
 18 written request by the person seeking a waiver of the
 19 continuing education requirements, the director may
 20 waive the continuing education requirements if the
 21 director determines good cause exists for the waiver.
 22 Sec. __. Section 441.37, subsection 1, Code 2005,
 23 is amended by adding the following new unnumbered
 24 paragraph:
 25 NEW UNNUMBERED PARAGRAPH. The property owner or
 26 aggrieved taxpayer may combine on one form protests of
 27 assessment on parcels separately assessed if the same
 28 grounds are relied upon as the basis for protesting
 29 each separate assessment. If an oral hearing is
 30 requested on more than one of such protests, the
 31 person making the combined protests may request that
 32 the oral hearings be held consecutively.
 33 Sec. __. Section 441.37, subsection 3, Code 2005,
 34 is amended to read as follows:
 35 3. After the board of review has considered any
 36 protest filed by a property owner or aggrieved
 37 taxpayer and made final disposition of the protest,
 38 the board shall give written notice to the property
 39 owner or aggrieved taxpayer who filed the protest of
 40 the action taken by the board of review on the
 41 protest. The written notice to the property owner or
 42 aggrieved taxpayer shall also specify the reasons for
 43 the action taken by the board of review on the
 44 protest. If protests of assessment on multiple
 45 parcels separately assessed were combined, the written
 46 notice shall state the action taken, and the reasons
 47 for the action, for each assessment protested.
 48 Sec. __. Section 441.38, subsection 2, Code 2005,
 49 is amended to read as follows:
 50 2. Notice of appeal shall be served as an original

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1 notice on the chairperson, presiding officer, or clerk
 2 of the board of review ~~after the filing of notice~~
 3 ~~under subsection 1 with the clerk of district court~~
 4 within twenty days after its adjournment or May 31,
 5 whichever is later.
 6 Sec. __. NEW SECTION. 441.40A REIMBURSEMENT OF

7 APPELLANT COSTS.

8 1. Notwithstanding section 441.40, where the court
9 determines the appellant's property was assessed by
10 the assessor for more than one hundred ten percent of
11 its post-appeal value, the assessor shall pay all
12 reasonable attorney fees and any other reasonably
13 related costs incurred by the appellant. This
14 subsection applies only to appeals relating to
15 assessments on property assessed as residential or
16 agricultural property.

17 2. Notwithstanding section 441.40, where the court
18 determines the appellant's property was assessed by
19 the assessor for more than one hundred twenty percent
20 of its post-appeal value and the court finds that the
21 assessor's position in regard to assessment of the
22 property was not substantially justified, the assessor
23 shall pay all reasonable attorney fees and any other
24 reasonably related costs incurred by the appellant.
25 This subsection applies only to appeals relating to
26 assessments on property assessed as commercial or
27 industrial property.

28 Sec. __. Section 452A.2, subsection 19,
29 unnumbered paragraph 2, Code 2005, is amended to read
30 as follows:

31 "Motor fuel" does not include special fuel, and
32 does not include liquefied gases which would not exist
33 as liquids at a temperature of sixty degrees
34 Fahrenheit and a pressure of fourteen and seven-tenths
35 pounds per square inch absolute, or naphthas and
36 solvents unless the liquefied gases or naphthas and
37 solvents are used as a component in the manufacture,
38 compounding, or blending of a liquid within paragraph
39 "b", in which event the resulting product shall be
40 deemed to be motor fuel. "Motor fuel" does not
41 include methanol unless blended with other motor fuels
42 for use in an aircraft or for propelling motor
43 vehicles.

44 Sec. __. Section 452A.2, subsection 25, Code
45 2005, is amended to read as follows:

46 25. "Special fuel" means fuel oils and all
47 combustible gases and liquids suitable for the
48 generation of power for propulsion of motor vehicles
49 or turbine-powered aircraft, and includes any
50 substance used for that purpose, except that it does

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1 not include motor fuel. Kerosene shall not be
2 considered to be a special fuel, unless blended with
3 other special fuels for use in a motor vehicle with a
4 diesel engine. Methanol shall not be considered to be
5 a special fuel unless blended with other special fuels

6 for use in a motor vehicle with a diesel engine.

7 Sec. __. Section 452A.8, subsection 2, paragraph
8 e, unnumbered paragraph 2, Code 2005, is amended to
9 read as follows:

10 The department shall adopt rules governing the
11 dispensing of compressed natural gas and liquefied
12 petroleum gas by licensed dealers and licensed users.
13 The director may require by rule that reports and
14 returns be filed by electronic transmission. For
15 purposes of this paragraph, "dealer" and "user" mean a
16 licensed compressed natural gas or liquefied petroleum
17 gas dealer or user and "fuel" means compressed natural
18 gas or liquefied petroleum gas. The department shall
19 require that all pumps located at dealer locations and
20 user locations through which liquefied petroleum gas
21 can be dispensed shall be metered, inspected, tested
22 for accuracy, and sealed and licensed by the state
23 department of agriculture and land stewardship, and
24 that fuel delivered into the fuel supply tank of any
25 motor vehicle shall be dispensed only through tested
26 metered pumps and may be sold without temperature
27 correction or corrected to a temperature of sixty
28 degrees. If the metered gallonage is to be
29 temperature-corrected, only a temperature-compensated
30 meter shall be used. Natural gas used as fuel shall
31 be delivered into compressing equipment through sealed
32 meters certified for accuracy by the department of
33 agriculture and land stewardship.

34 Sec. __. Section 452A.8, subsections 3 and 4,
35 Code 2005, are amended to read as follows:

36 3. For the purpose of determining the amount of
37 the tax liability on alcohol blended to produce
38 ethanol blended gasoline or a blend of special fuel
39 products, each licensed blender shall, not later than
40 the last day of each month following the month in
41 which the blending is done, file with the department a
42 monthly return, signed under penalty for false
43 certificate, containing information required by rules
44 adopted by the director. The director may require by
45 rule that reports and returns be filed by electronic
46 transmission.

47 4. A person who possesses fuel or uses fuel in a
48 motor vehicle upon which no tax has been paid by a
49 licensee in this state is subject to reporting and
50 paying the applicable tax. The director may require

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1 by rule that reports and returns be filed by
2 electronic transmission.

3 Sec. __. Section 452A.10, Code 2005, is amended
4 to read as follows:

5 452A.10 REQUIRED RECORDS.

6 A motor fuel or special fuel supplier, restrictive
7 supplier, importer, exporter, blender, dealer, user,
8 common carrier, contract carrier, ~~or~~ terminal, or
9 nonterminal storage facility shall maintain, for a
10 period of three years, records of all transactions by
11 which the supplier, restrictive supplier, or importer
12 withdraws from a terminal or nonterminal storage
13 facility within this state or imports into this state
14 motor fuel or undyed special fuel together with
15 invoices, bills of lading, and other pertinent records
16 and papers as required by the department.

17 If in the normal conduct of a supplier's,
18 restrictive supplier's, importer's, exporter's,
19 blender's, dealer's, user's, common carrier's,
20 contract carrier's, ~~or~~ terminal's, or nonterminal
21 storage facility's business the records are maintained
22 and kept at an office outside this state, the records
23 shall be made available for audit and examination by
24 the department at the office outside this state, but
25 the audit and examination shall be without expense to
26 this state.

27 Each distributor handling motor fuel or special
28 fuel in this state shall maintain for a period of
29 three years records of all motor fuel or undyed
30 special fuel purchased or otherwise acquired by the
31 distributor, together with delivery tickets, invoices,
32 and bills of lading, and any other records required by
33 the department.

34 The department, after an audit and examination of
35 records required to be maintained under this section,
36 may authorize their disposal upon the written request
37 of the supplier, restrictive supplier, importer,
38 exporter, blender, dealer, user, carrier, terminal,
39 nonterminal storage facility, or distributor.

40 Sec. ___. Section 452A.62, subsection 1, paragraph
41 a, Code 2005, is amended to read as follows:

42 a. A distributor, supplier, restrictive supplier,
43 importer, exporter, blender, terminal operator,
44 nonterminal storage facility, common carrier, or
45 contract carrier, pertaining to motor fuel or undyed
46 special fuel withdrawn from a terminal or nonterminal
47 storage facility, or brought into this state.

48 Sec. ___. Section 452A.62, subsection 2,
49 unnumbered paragraph 1, Code 2005, is amended to read
50 as follows:

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1 To examine the records, books, papers, receipts,
2 and invoices of any distributor, supplier, restrictive
3 supplier, importer, blender, exporter, terminal

4 operator, nonterminal storage facility, licensed
5 compressed natural gas or liquefied petroleum gas
6 dealer or user, or any other person who possesses fuel
7 upon which the tax has not been paid to determine
8 financial responsibility for the payment of the taxes
9 imposed by this chapter.
10 Sec. __. Section 452A.85, Code 2005, is amended
11 by adding the following new subsection:
12 NEW SUBSECTION. 4. This section does not apply to
13 an increase in the tax rate of a specified fuel,
14 except for compressed natural gas, unless the increase
15 in the tax rate of that fuel is in excess of one-half
16 cent per gallon.
17 Sec. __. NEW SECTION. 602.6703 DECLARATORY
18 JUDGMENT TO ADJUDICATE CONSTITUTIONAL NEXUS ISSUES
19 REGARDING TAXATION.
20 1. District courts have original jurisdiction over
21 civil actions seeking declaratory judgment when both
22 of the following apply:
23 a. The party seeking declaratory relief is a
24 business that is any of the following:
25 (1) Organized under the laws of this state.
26 (2) A sole proprietorship owned by a domiciliary
27 of this state.
28 (3) Authorized to do business in this state.
29 b. The responding party is a government official
30 of another state, or political subdivision of another
31 state, who asserts that the business in question is
32 obliged to collect sales or use taxes for such state
33 or political subdivision based upon conduct of the
34 business that occurs wholly or partially within that
35 state or political subdivision.
36 2. A business meeting the requirements and facing
37 the circumstances described in subsection 1 shall be
38 entitled to declaratory relief on the issue of whether
39 the requirement of another state, or political
40 subdivision of another state, that the business
41 collect and remit sales or use taxes to that state, or
42 political subdivision, in the factual circumstances of
43 the business' operations giving rise to the demand,
44 constitutes an undue burden on interstate commerce
45 within the meaning of the Constitution of the United
46 States.
47 Sec. __. Section 708.3A, subsections 1 through 4,
48 Code 2005, are amended to read as follows:
49 1. A person who commits an assault, as defined in
50 section 708.1, against a peace officer, jailer,

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1 correctional staff, member or employee of the board of
2 parole, health care provider, employee of the

3 department of human services, employee of the
4 department of revenue, or fire fighter, whether paid
5 or volunteer, with the knowledge that the person
6 against whom the assault is committed is a peace
7 officer, jailer, correctional staff, member or
8 employee of the board of parole, health care provider,
9 employee of the department of human services, employee
10 of the department of revenue, or fire fighter and with
11 the intent to inflict a serious injury upon the peace
12 officer, jailer, correctional staff, member or
13 employee of the board of parole, health care provider,
14 employee of the department of human services, employee
15 of the department of revenue, or fire fighter, is
16 guilty of a class "D" felony.

17 2. A person who commits an assault, as defined in
18 section 708.1, against a peace officer, jailer,
19 correctional staff, member or employee of the board of
20 parole, health care provider, employee of the
21 department of human services, employee of the
22 department of revenue, or fire fighter, whether paid
23 or volunteer, who knows that the person against whom
24 the assault is committed is a peace officer, jailer,
25 correctional staff, member or employee of the board of
26 parole, health care provider, employee of the
27 department of human services, employee of the
28 department of revenue, or fire fighter and who uses or
29 displays a dangerous weapon in connection with the
30 assault, is guilty of a class "D" felony.

31 3. A person who commits an assault, as defined in
32 section 708.1, against a peace officer, jailer,
33 correctional staff, member or employee of the board of
34 parole, health care provider, employee of the
35 department of human services, employee of the
36 department of revenue, or fire fighter, whether paid
37 or volunteer, who knows that the person against whom
38 the assault is committed is a peace officer, jailer,
39 correctional staff, member or employee of the board of
40 parole, health care provider, employee of the
41 department of human services, employee of the
42 department of revenue, or fire fighter, and who causes
43 bodily injury or mental illness, is guilty of an
44 aggravated misdemeanor.

45 4. Any other assault, as defined in section 708.1,
46 committed against a peace officer, jailer,
47 correctional staff, member or employee of the board of
48 parole, health care provider, employee of the
49 department of human services, employee of the
50 department of revenue, or fire fighter, whether paid

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1 or volunteer, by a person who knows that the person

2 against whom the assault is committed is a peace
3 officer, jailer, correctional staff, member or
4 employee of the board of parole, health care provider,
5 employee of the department of human services, employee
6 of the department of revenue, or fire fighter, is a
7 serious misdemeanor.

8 Sec. __. Section 708.3A, Code 2005, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 9. As used in this section,
11 "employee of the department of revenue" means a person
12 who is employed as an auditor, agent, tax collector,
13 or any contractor or representative acting in the same
14 capacity. The employee, contractor, or representative
15 shall maintain current identification indicating that
16 the person is an employee, contractor, or
17 representative of the department.

18 Sec. __. ABATEMENT OF PROPERTY TAXES.
19 Notwithstanding the requirement for the filing of a
20 claim for property tax exemption by February 1, as
21 provided in section 427.1, subsection 9, the board of
22 supervisors of a county having a population based upon
23 the latest federal decennial census of more than one
24 hundred eighty thousand but not more than two hundred
25 thousand shall abate the property taxes owed, with all
26 interest, fees, and costs, which were due and payable
27 during the fiscal years beginning July 1, 2004, and
28 July 1, 2005, on the land and buildings of an
29 educational institution that received the property by
30 gift and that did not receive a property tax exemption
31 due to the inability or failure to file for the
32 exemption. To receive the abatement provided for in
33 this section, the educational institution shall apply
34 to the county board of supervisors by October 1, 2005,
35 and provide appropriate information establishing that
36 the lands and buildings for which the abatement is
37 sought were used by the educational institution for
38 its appropriate objectives during the fiscal years
39 beginning July 1, 2004, and July 1, 2005. The
40 abatement allowed under this section only applies to
41 property taxes, with all interests, fees, and costs,
42 due and payable in the fiscal years beginning July 1,
43 2004, and July 1, 2005.

44 Sec. __. REFUNDS. Refunds of taxes, interest, or
45 penalties which arise from claims resulting from the
46 amendment to section 423.3, subsection 5, in this
47 division of this Act, for the sale of agricultural
48 drain tile materials occurring between January 1,
49 1998, and the effective date of the section amending
50 section 423.3, subsection 5, in this division of this

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1 Act, shall be limited to twenty-five thousand dollars
2 in the aggregate and shall not be allowed unless
3 refund claims are filed prior to October 1, 2005,
4 notwithstanding any other provision of law. If the
5 amount of claims totals more than twenty-five thousand
6 dollars in the aggregate, the department of revenue
7 shall prorate the twenty-five thousand dollars among
8 all claimants in relation to the amounts of the
9 claimants' valid claims.

10 Sec. __. RETROACTIVE APPLICABILITY.

11 1. The sections of this division of this Act
12 amending Code sections 422.9 and 422.35 apply
13 retroactively to January 1, 2005, for tax years
14 beginning on or after that date.

15 2. The section of this division of this Act
16 amending Code section 422.16, being deemed of
17 immediate importance, takes effect upon enactment and
18 applies to calendar quarters ending on or after the
19 effective date of this Act for income taxes withheld
20 for tax years beginning on or after January 1, 2005.

21 3. The section of this division of this Act
22 relating to the abatement of property taxes due and
23 payable in the fiscal years beginning July 1, 2004,
24 and July 1, 2005, and section 427.1, subsection 9,
25 being deemed of immediate importance, takes effect
26 upon enactment, and applies retroactively to property
27 taxes due and payable in the fiscal years beginning
28 July 1, 2004, and July 1, 2005.

29 4. The section of this division of this Act
30 amending section 423.3, subsection 5, being deemed of
31 immediate importance, takes effect upon enactment, and
32 applies retroactively to January 1, 1998.

33 5. The sections of this division of this Act
34 amending section 441.37 apply to protests of
35 assessment filed after January 1, 2006."

36 2. Title page, line 3, by inserting after the
37 word "equipment," the following: "and relating to the
38 policy and administration of other taxes and tax-
39 related matters,".

40 3. Title page, line 3, by striking the word "an".

41 4. Title page, line 4, by striking the word
42 "provision" and inserting the following:
43 "provisions".

J.K. Van Fossen of Scott offered the following amendment [H-1576](#),
to amendment [H-1575](#), filed by him and moved its adoption:

H-1576

1 Amend the amendment, [H-1575](#), to [Senate File 413](#), as
2 passed by the Senate, as follows:

3 1. Page 1, by inserting after line 30 the
4 following:

5 "Sec. __. Section 421.60, subsection 2, paragraph
6 m, subparagraph (1), Code 2005, is amended by striking
7 the subparagraph and inserting in lieu thereof the
8 following:

9 (1) The department shall not maintain a position
10 against a retailer, in the event that the retailer
11 failed to collect the state sales or use tax or local
12 sales and services tax from a purchaser as a result of
13 erroneous written advice issued by an employee of the
14 department specially directed to the retailer by the
15 department that is inconsistent with the erroneous
16 written advice, except on the basis of subsequent
17 written advice sent by the department to that
18 retailer, or a change in state or federal law, a
19 reported court case to the contrary, a contrary rule
20 adopted by the department, a change in material facts
21 or circumstances relating to the retailer, or the
22 retailer's misrepresentation or incomplete or
23 inadequate representation of material facts and
24 circumstances in requesting the written advice. Any
25 tax, interest, or penalty that is assessed by the
26 department which is contrary to the erroneous written
27 advice issued by the department shall be abated upon
28 the retailer presenting a copy of the retailer's
29 request for written advice to the department and a
30 copy of the department's reply. For purposes of this
31 subparagraph, "written advice" includes a notice of
32 assessment issued by the department to the retailer
33 and all related documents, including the department's
34 report setting forth the basis for the assessment."

Amendment [H-1576](#) was adopted.

Hogg of Linn offered the following amendment [H-1590](#), to
amendment [H-1575](#), filed by him and moved its adoption:

H-1590

1 Amend the amendment, [H-1575](#), to [Senate File 413](#), as
2 passed by the Senate, as follows:

3 1. Page 10, line 10, by striking the word "ten"
4 and inserting the following: "twenty".

Amendment [H-1590](#) was adopted.

Shoultz of Black Hawk offered the following amendment [H-1613](#), to amendment [H-1575](#), filed by him from the floor and moved its adoption:

[H-1613](#)

- 1 Amend the amendment, [H-1575](#), to [Senate File 413](#), as
- 2 passed by the Senate, as follows:
- 3 1. Page 10, by striking lines 6 through 27.

Amendment [H-1613](#) lost.

On motion by J.K. Van Fossen of Scott, amendment [H-1575](#), as amended, was adopted.

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?" ([S.F. 413](#))

The ayes were, 85:

Alons	Anderson	Arnold	Bell
Boal	Bukta	Carroll	Chambers
Cohoon	Dandekar	Davitt	De Boef
Dix	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Gaskill
Gipp	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	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	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Whitaker
Whitead	Wilderdyke	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 13:

Berry	Eichhorn	Frevert	Granzow
Hunter	Jochum	Lensing	Schickel
Shoultz	Taylor, D.	Upmeyer	Wessel-Kroeschell
Winckler			

Absent or not voting, 2:

Baudler Fallon

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

HOUSE FILE 878 WITHDRAWN

J.K. Van Fossen of Scott asked and received unanimous consent to withdraw House File 878 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

Boal of Polk called up for consideration Senate File 245, a bill for an act relating to a secondary school core curriculum, including requiring the state board of education to determine a model core curriculum and set a statewide core curriculum completion rate goal, requiring school districts to report student core curriculum progress annually, requiring school districts and schools to report core curriculum completion percentages annually, and providing for the coordination of an educational data definitions working group, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-1596 to the House amendment:

H-1596

- 1 Amend the House amendment, S-3196, to Senate File
- 2 245, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 22 and 23.
- 5 2. Page 1, by striking lines 27 through 30.
- 6 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-1596, to the House amendment.

Boal of Polk 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. 245](#))

The ayes were, 97:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	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
Rasmussen	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
Mr. Speaker			
Rants			

The nays were, 1:

Roberts

Absent or not voting, 2:

Baudler Fallon

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

SENATE AMENDMENT CONSIDERED

Struyk of Pottawattamie called up for consideration [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, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1535](#):

[H-1535](#)

- 1 Amend [House File 805](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 8, by striking line 32, and inserting the
- 4 following:
- 5 "a. For an open feedlot operation submitting an
- 6 application for a construction permit on or after
- 7 September 30, 2006, a nutrient management plan as
- 8 provided in section".
- 9 2. Page 18, by striking line 15, and inserting
- 10 the following: "horizontally separated from the
- 11 outside edge of the berm of the basin. For an area of
- 12 the basin where there is not a berm, the drainage tile
- 13 line shall be rerouted at least fifty feet
- 14 horizontally separated from the edge of the basin."
- 15 3. Page 18, by striking line 18, and inserting
- 16 the following: "nonperforated tile line shall be
- 17 continuous and without connecting joints."
- 18 4. Page 18, by striking lines 34 and 35, and
- 19 inserting the following: "lines or other similar
- 20 system. However the following shall apply:
- 21 (1) Except as provided in subparagraph (2), an
- 22 open feedlot operation shall not use a nongravity
- 23 mechanical system that uses pumping equipment.
- 24 (2) If the open feedlot operation was constructed
- 25 before the effective date of this Act, the operation
- 26 may continue to use its existing nongravity mechanical
- 27 system that uses pumping equipment or it may construct
- 28 a new nongravity mechanical system that uses pumping
- 29 equipment. However, an open feedlot operation that
- 30 expands the area of its open feedlot on or after April
- 31 1, 2011, shall not use a nongravity mechanical system
- 32 that uses pumping equipment."
- 33 5. By striking page 20, line 27 through page 21,
- 34 line 4.
- 35 6. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1535](#).

Struyk of Pottawattamie 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. 805](#))

The ayes were, 97:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	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
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	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 1:

Winckler

Absent or not voting, 2:

Baudler Fallon

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

SENATE AMENDMENT CONSIDERED

Soderberg of Plymouth called up for consideration [House File 857](#), a bill for an act relating to eligible housing businesses under the enterprise zone program, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1541](#):

[H-1541](#)

- 1 Amend [House File 857](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 1 through 12.
- 4 2. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1541](#).

Soderberg of Plymouth 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. 857](#))

The ayes were, 98:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	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
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, 2:

Baudler Fallon

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

SENATE AMENDMENT CONSIDERED

Alons of Sioux called up for consideration [House File 869](#), a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates, amended by the Senate amendment [H-1594](#) as follows:

[H-1594](#)

- 1 Amend [House File 869](#), as passed by the House, as
- 2 follows:
- 3 1. Page 1, lines 6 and 7, by striking the words
- 4 "AGRICULTURAL ASSETS - TAX CREDIT" and inserting the
- 5 following: "AGRICULTURAL ASSETS TRANSFER TAX CREDIT".
- 6 2. Page 1, by striking lines 8 and 9, and
- 7 inserting the following:
- 8 "___ An agricultural assets transfer tax credit
- 9 is allowed under this section. The tax credit is
- 10 allowed against the taxes imposed in chapter 422,
- 11 division II, as provided in section 422.11I, and in
- 12 chapter 422, division III, as provided in section
- 13 422.33, to facilitate the transfer of".
- 14 3. Page 1, line 11, by striking the word "a."
- 15 4. Page 1, by striking lines 21 through 23.
- 16 5. Page 2, by striking lines 16 through 18, and
- 17 inserting the following:
- 18 "6. a. In order to qualify for the tax credit as
- 19 a beginning farmer, a person must be eligible to
- 20 receive financial assistance under section 175.12.
- 21 The taxpayer may claim the tax credit on the gross
- 22 amount paid to the taxpayer as provided in this
- 23 section until the beginning farmer is no longer

24 eligible to receive financial assistance under section
 25 175.12.
 26 b. A tax credit in excess of the".
 27 6. Page 2, line 26, by striking the figure "6."
 28 and inserting the following: "7."
 29 7. Page 3, line 25, by striking the figure "7."
 30 and inserting the following: "8."
 31 8. Page 3, line 30, by striking the figure "8."
 32 and inserting the following: "9."
 33 9. Page 4, by inserting after line 14, the
 34 following:
 35 "Sec. __. NEW SECTION. 422.111 AGRICULTURAL
 36 ASSETS TRANSFERRED TO BEGINNING FARMERS.
 37 The taxes imposed under this division, less the
 38 credits allowed under sections 422.12 and 422.12B,
 39 shall be reduced by an agricultural assets transfer
 40 tax credit as allowed under section 175.37.
 41 Sec. __. Section 422.33, Code 2005, is amended by
 42 adding the following new subsection:
 43 NEW SUBSECTION. 17. The taxes imposed under this
 44 division shall be reduced by an agricultural assets
 45 transfer tax credit as allowed under section 175.37."

Drake of Pottawattamie offered the following amendment [H-1611](#),
 to the Senate amendment [H-1594](#), filed by him and Alons of Sioux
 from the floor and moved its adoption:

[H-1611](#)

1 Amend the Senate amendment, [H-1594](#), to House File
 2 869, as passed by the House, as follows:
 3 1. Page 1, line 18, by striking the words "for
 4 the tax credit".
 5 2. Page 1, by inserting after line 45, the
 6 following:
 7 " __. Page 4, by striking lines 15 through 17,
 8 and inserting the following:
 9 "Sec. __. Section 423.3, subsection 11,
 10 unnumbered paragraph 1, Code 2005, is amended to read
 11 as follows:
 12 The sales price exclusive of services of farm
 13 machinery and equipment, including auxiliary
 14 attachments which improve the performance, safety,
 15 operation, or efficiency of the machinery and
 16 equipment, and including auger systems, curtains and
 17 curtain systems, drip systems, fan and fan systems,
 18 shutters, inlets and shutter or inlet systems, and
 19 refrigerators, and replacement parts, if all of the
 20 following conditions are met:
 21 Sec. __. REFUNDS. Refunds of taxes, interest, or
 22 penalties which arise from claims resulting from the

23 amendment of section 423.3, subsection 11, in this
24 Act, for the exemption of sales of auger systems,
25 curtains and curtain systems, drip systems, fan and
26 fan systems, shutters, inlets and shutter or inlet
27 systems, and refrigerators occurring between January
28 1, 1992, and the effective date of this Act, shall be
29 limited to twenty-five thousand dollars in the
30 aggregate and shall not be allowed unless refund
31 claims are filed prior to October 1, 2005,
32 notwithstanding any other provision of law. If the
33 amount of claims totals more than twenty-five thousand
34 dollars in the aggregate, the department of revenue
35 shall prorate the twenty-five thousand dollars among
36 all claimants in relation to the amounts of the
37 claimants' valid claims. Claimants shall not be
38 entitled to interest on any refunds.
39 Sec. __. EFFECTIVE DATES AND RETROACTIVE
40 APPLICABILITY PROVISIONS.
41 1. Except as provided in subsection 2, this Act
42 takes effect January 1, 2006, and is applicable to tax
43 years beginning on or after that date.
44 2. The section of this Act amending section 423.3
45 and the section of this Act providing refunds
46 resulting from the amendment of section 423.3, being
47 deemed of immediate importance, take effect upon
48 enactment and apply retroactively to January 1, 1992."
49 3. Title page, by striking lines 1 through 3, and
50 inserting the following: "An Act relating to

Page 2

1 financial transactions associated with agricultural
2 production, by providing for taxes, including tax
3 credits and tax exemptions, and including effective
4 and retroactive and other applicability dates."
5 4. By renumbering as necessary.

Amendment [H-1611](#) was adopted.

On motion by Alons of Sioux, the House concurred in the Senate amendment [H-1594](#), as amended.

Alons of Sioux 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. 869](#))

The ayes were, 98:

Alons	Anderson	Arnold	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	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
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, 2:

Baudler Fallon

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 805, 857, 869** and **Senate Files 245** and **413**.

Ways and Means Calendar

House File 861, a bill for an act relating to telecommunications projects and facilities, including requirements regarding feasibility

studies and reports and requirements regarding financing, and providing an effective date, was taken up for consideration.

Struyk of Pottawattamie offered amendment [H-1589](#) filed by him as follows:

[H-1589](#)

1 Amend [House File 861](#) as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 388.10, subsection 1,
5 paragraph a, Code 2005, is amended by adding the
6 following new subparagraph:

7 NEW SUBPARAGRAPH. (5) (a) Allow
8 telecommunications services to be provided through a
9 telecommunications system owned or operated by a city,
10 city utility, combined city utility, city enterprise,
11 or combined city enterprise by a provider other than
12 the city, city utility, combined city utility, city
13 enterprise, or combined city enterprise, or a private
14 investor providing or obligated to provide fifty
15 percent or more of the telecommunications system's
16 funding, either directly, through a joint venture, or
17 otherwise, unless all of the following requirements
18 are satisfied:

19 (i) The proposal is submitted to the voters of the
20 city for approval pursuant to section 388.2.

21 (ii) At least thirty days prior to the election
22 for voter approval of the proposal, a full cost
23 benefit analysis is made available to the voters which
24 includes but is not limited to the fully anticipated
25 cost of the provision of such telecommunications
26 services, the projected public debt, and an
27 explanation of how the public debt will be financed.

28 (iii) At least twenty days prior to the election
29 for voter approval of the proposal but after the cost
30 benefit analysis is made available to the voters, a
31 public hearing is held regarding the proposal.

32 (iv) Prior to the issuance of public debt for the
33 proposal, a financing plan for the proposal has been
34 approved by a majority of the voters of the city.

35 (b) This subparagraph shall not apply to a
36 telecommunications system owned or operated by a city,
37 city utility, combined city utility, city enterprise,
38 or combined city enterprise approved by voters
39 pursuant to section 388.2 on or before January 1,
40 2005.

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

43 2. Title page, by striking lines 1 through 4 and
44 inserting the following: "An Act relating to the
45 provision of telecommunications services through a
46 telecommunications system owned or operated by a city,
47 city utility, combined city utility, city enterprise,
48 or combined city enterprise, and providing an
49 effective date."

May of Dickinson offered amendment [H-1593](#), to amendment [H-1589](#), filed by May, et al., as follows:

[H-1593](#)

1 Amend the amendment, [H-1589](#), to [House File 861](#) as
2 follows:
3 1. Page 1, line 6, by striking the word
4 "subparagraph" and inserting the following:
5 "subparagraphs".
6 2. Page 1, by inserting after line 40 the
7 following:
8 "NEW SUBPARAGRAPH. (6) Unfairly discriminate in
9 pricing in violation of section 551.12.
10 Sec. __. NEW SECTION. 551.12 UNFAIR
11 DISCRIMINATION IN PRICING BY PROVIDERS OF CABLE
12 TELEVISION SERVICES.
13 1. A provider of cable television services shall
14 not provide cable television services in a defined
15 geographic area at a rate less than ninety percent of
16 the provider's highest published rate charged to
17 customers in any other area of this state unless any
18 of the following apply:
19 a. The lower rate is not less than the cost of
20 providing such cable television services in the area
21 and the lower rate generates a profit for the provider
22 of cable television services.
23 b. The lower rate is available to any customer
24 within the state served by the provider.
25 2. Any aggrieved person or the attorney general
26 may commence a civil action against a provider of
27 cable television services for a violation of this
28 section for actual damages, court costs, and attorney
29 fees.
30 3. For purposes of this section, "provider of
31 cable television services" means a cable television
32 service provider with fifty thousand or more
33 customers."
34 3. Page 1, line 48, by inserting after the word
35 "enterprise," the following: "and through prohibiting

36 discrimination in pricing."
37 4. By renumbering as necessary.

Kurtenbach of Story rose on a point of order that amendment [H-1593](#) was not germane, to amendment [H-1589](#).

The Speaker ruled the point well taken and amendment [H-1593](#) not germane, to amendment [H-1589](#).

Jochum of Dubuque offered the following amendment [H-1623](#), to amendment [H-1589](#), filed by her from the floor and moved its adoption:

[H-1623](#)

1 Amend the amendment, H-1589, to [House File 861](#) as
2 follows:
3 1. Page 1, lines 12 and 13, by inserting after
4 the words "utility, city enterprise," the following:
5 "an entity created pursuant to chapter 28E or 28F
6 whose members are utility providers,".
7 2. Page 1, line 16, by striking the word
8 "funding," and inserting the following: "capital,
9 including initial operating capital,".
10 3. Page 1, line 36, by inserting after the word
11 "system" the following: "established on or before
12 January 1, 2005, that is".
13 4. Page 1, by striking lines 38 through 40, and
14 inserting the following: "or combined city
15 enterprise."

Amendment [H-1623](#) lost.

Jochum of Dubuque offered the following amendment [H-1624](#), to amendment [H-1589](#), filed by her from the floor and moved its adoption:

[H-1624](#)

1 Amend the amendment, H-1589, to [House File 861](#), as
2 follows:
3 1. Page 1, line 32, by striking the words "public
4 debt" and inserting the following: "general
5 obligations bonds".

Amendment [H-1624](#) lost.

On motion by Struyk of Pottawattamie, amendment [H-1589](#) was adopted, placing out of order amendment [H-1474](#) filed by Struyk of Pottawattamie on April 21, 2005.

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

On the question "Shall the bill pass?" ([H.F. 861](#))

The ayes were, 61:

Alons	Arnold	Bell	Boal
Carroll	Chambers	Cphoon	Dandekar
De Boef	Dix	Dolecheck	Drake
Elgin	Foege	Ford	Frevert
Gaskill	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Huser
Hutter	Jacobs	Jacoby	Kaufmann
Kurtenbach	Lalk	Maddox	McCarthy
Murphy	Oldson	Olson, S.	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Sands	Schueller
Shomshor	Struyk	Swaim	Taylor, D.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Wilderdye
Mr. Speaker			
Rants			

The nays were, 36:

Anderson	Berry	Bukta	Davitt
Eichhorn	Freeman	Gipp	Heddens
Huseman	Jenkins	Jochum	Jones
Kressig	Kuhn	Lensing	Lukan
Lykam	Mascher	May	Mertz
Miller	Olson, D.	Olson, R.	Pettengill
Reichert	Roberts	Schickel	Shoultz
Smith	Soderberg	Taylor, T.	Wessel-Kroeschell
Whitead	Winckler	Wise	Zirkelbach

Absent or not voting, 3:

Baudler	Fallon	Hunter
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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 861](#) be immediately messaged to the Senate.

REPORT OF ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to [Senate Concurrent Resolution 3](#), your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Chief Clerk	Margaret Thomson	44-3	P-FT
Asst. Chief Clerk I	Susan K. Jennings	32-6	E-FT
Sr. Caucus Staff Dir.	Paulee Lipsman	41-6	P-FT
Sr. Caucus Staff Director	Jeffrey G. Mitchell	41-6	P-FT
Administrative Asst. to Speaker	Timothy J. Albrecht	27-2	P-FT
Administrative Asst. to Leader	Marc A. Elcock	27-2	P-FT
Administrative Asst. II to Speaker	Allison G. Dorr Kleis	32-4	P-FT
Sr. Administrative Asst. to Leader	Mark W. Brandsgard	38-6	P-FT
Sr. Administrative Asst. to Leader	Susan S. Fenton	38-6	P-FT
Sr. Administrative Asst. to Leader	Carolyn McNeill Gaukel	38-3	P-FT
Legislative Research Analyst	Timothy R. Coonan	27-3	P-FT
Legislative Research Analyst I	Mary K. Earnhardt	29-3	P-FT
Legislative Research Analyst	Kelly M. Ryan	27-2	P-FT
Legislative Research Analyst I	Kellie L. Paschke	29-5	P-FT
Legislative Research Analyst III	Bradley A. Trow	35-3	P-FT
Sr. Legislative Research Analyst	Lon W. Anderson	38-4	P-FT
Sr. Legislative Research Analyst	Ann M. McCarthy	38-5	P-FT
Sr. Legislative Research Analyst	Lewis E. Olson	38-3	P-FT
Sr. Caucus Secretary	Bruce G. Brandt	24-6	P-FT
Legislative Research Analyst I	Dwayne Dean Fiihr, Jr.	29-3	P-FT
Legislative Research Analyst II	Anna M. Hyatt-Crozier	32-3	P-FT
Sr. Legislative Research Analyst	Mary C. Braun	38-6	P-FT
Sr. Legislative Research Analyst	Edward J. Conlow	38-6	P-FT
Sr. Legislative Research Analyst	Jenifer L. Parsons	38-6	P-FT
Sr. Legislative Research Analyst	Thomas R. Patterson	38-6	P-FT
Sr. Legislative Research Analyst	Joseph P. Romano	38-6	P-FT
Sr. Caucus Secretary	David L. Epley	24-5	P-FT
Confidential Sec. to Speaker	Becky L. Lorenz	27-5	P-FT
Confidential Sec. II to Chief Clerk	Jacquelyn M. Seymour	32-3	P-FT
Clerk to Chief Clerk	Betty M. Soener	16-6	S-O
Supervisor of Secretaries I	Linda C. Rosky	24-4	P-FT

Senior Editor	Gayle A. Goble	30-4	P-FT
Editor I	Vicki L. Jones	22-1	P-FT
Assistant Editor	Angela T. Cox	19-1	E-FT
Text Processor II	C. Elaine Schoonover	22-6	P-FT
Senior Finance Officer II	Debra K. Rex	35-6	P-FT
Finance Officer I	Kelly M. Bronsink	24-6	P-FT
Assistant Legal Counsel	Doreen R. Terrell	27-5	P-FT
Engrossing & Enrolling Processor	Pauline E. Kephart	27-7	S-O
Indexer II	Kristin L. Wentz	25-6	P-FT
Indexing Assistant	Barry J. Hartman	19-2	P-FT
Switchboard Operator	Paul W. Aardsma	14-2	S-O
Switchboard Operator	Madeline E. James	14-7	S-O
Legislative Secretary	Juliana P. Anderson	15-1	S-O
Legislative Secretary	Bradley P. Bell	16-1	S-O
Legislative Secretary	Jess R. Benson	16-1	S-O
Legislative Secretary	Judith M. Bernau	15-1	S-O
Legislative Secretary	Valerie J. Biddick	16-1	S-O
Legislative Secretary	Curtis I. Bigsby	16-1	S-O
Legislative Secretary	Devin L. Boerm	17-2	S-O
Legislative Secretary	Kathleen L. Boggs	16-1	S-O
Legislative Secretary	Thomas M. Brand	15-1	S-O
Legislative Secretary	Diane K. Burget	16-3	S-O
Legislative Secretary	Beverly A. Burns	17-1	S-O
Legislative Secretary	Diana K. Clay	17-1	S-O
Legislative Secretary	Shirley M. Danskin-White	15-7+2	S-O
Legislative Secretary	Mary K. Davis	15-2	S-O
Legislative Secretary	Judith K. Elliott	15-3	S-O
Legislative Secretary	Clinton M. Fichter	16-1	S-O
Legislative Secretary	Kelley A. Fifer	17-2	S-O
Legislative Secretary	Harry W. Flipping	15-1	S-O
Legislative Secretary	David C. Frost	15-1	S-O
Legislative Secretary	Martha L. Fullerton	17-2	S-O
Legislative Secretary	Ezekiel L. Furlong	16-1	S-O
Legislative Secretary	Adriann E. Gerardi	15-1	S-O
Legislative Secretary	Autumn L. Griffieon	15-1	S-O
Legislative Secretary	Robert L. Hamill	15-1	S-O
Legislative Secretary	Julie M. Heun	15-1	S-O
Legislative Secretary	Daniel W. Huitink	16-1	S-O
Legislative Secretary	Janet M. Jones	16-2	S-O
Legislative Secretary	Kim W. Jones	15-1	S-O
Legislative Secretary	Elizabeth A. Junk	16-1	S-O
Legislative Secretary	Catherine S. Jury	16-7	S-O
Legislative Secretary	Robert F. Kaufmann	16-1	S-O
Legislative Secretary	Josie L. Klingaman	16-1	S-O
Legislative Secretary	Erin T. Kreiman	16-1	S-O
Legislative Secretary	Alex J. Kuhn	16-1	S-O
Legislative Secretary	Debrah L. Lalk	17-1	S-O
Legislative Secretary	Kombiz N. Lavasany	16-1	S-O
Legislative Secretary	Jennifer Lee Lunsford	17-1	S-O
Legislative Secretary	Amy L. Lynch	15-1	S-O
Legislative Secretary	Susan M. Ridgway	17-1	S-O
Legislative Secretary	Marlene J. Martens	16-4	S-O

Legislative Secretary	Linda L. McCarthy	16-1	S-O
Legislative Secretary	Katherine L. McCaskey	17-1	S-O
Legislative Secretary	John B. McCormally	15-1	S-O
Legislative Secretary	Clark E. McMullen	16-2	S-O
Legislative Secretary	Catherine H. Mears	17-1	S-O
Legislative Secretary	Susan G. Meimann	15-1	S-O
Legislative Secretary	Twyla L. Miller	17-6+2	S-O
Legislative Secretary	Lacey R. Oliver	16-2	S-O
Legislative Secretary	Jean P. Olson	16-2	S-O
Legislative Secretary	Janet R. Ramsay	16-4	S-O
Legislative Secretary	Courtney M. Rickert	15-1	S-O
Legislative Secretary	Virginia A. Rowen	15-7	S-O
Legislative Secretary	Mary M. Sanders	16-3	S-O
Legislative Secretary	Robert P. Santi	16-1	S-O
Legislative Secretary	Melodie K. Schueller	15-1	S-O
Legislative Secretary	Dianne G. Shultz	16-2	S-O
Legislative Secretary	Patricia J. Simmons	15-1	S-O
Legislative Secretary	Melissa R. Singer	16-1	S-O
Legislative Secretary	Virginia A. Sourbeer	17-3	S-O
Legislative Secretary	Sadie L. Stellish	16-1	S-O
Legislative Secretary	Nicholas L. Sunderbruch	16-2	S-O
Legislative Secretary	Jean Tannatt	16-4	S-O
Legislative Secretary	Gary M. Thelen	16-1	S-O
Legislative Secretary	Rosemary G. Thomas	16-1	S-O
Legislative Secretary	Paula J. Toms	16-1	S-O
Legislative Secretary	Eileen M. Tyler	18-6	S-O
Legislative Secretary	Jessica J. Van Fossen	16-1	S-O
Legislative Secretary	Darlene A. VanOort	18-3	S-O
Legislative Secretary	Amanda H. Wacha	16-1	S-O
Legislative Secretary	Yvonne S. Welshhons	16-1	S-O
Legislative Secretary	Anita R. Wendt	16-1	S-O
Legislative Secretary	Donna M. Whitead	15-2	S-O
Legislative Secretary	David H. White	16-1	S-O
Legislative Committee Secretary	Clarice E. Alons	17-2	S-O
Legislative Committee Secretary	Cheryl K. Arnold	17-2	S-O
Legislative Committee Secretary	Jill J. Beni	17-3	S-O
Legislative Committee Secretary	Susan M. Betsinger	17-3	S-O
Legislative Committee Secretary	Chad R. Burton	17-1	S-O
Legislative Committee Secretary	Joni M. Carroll	17-1	S-O
Legislative Committee Secretary	Aaron J. DeKock	17-1	S-O
Legislative Committee Secretary	Dawn R. Dillman	18-2	S-O
Legislative Committee Secretary	Shirley J. Drake	17-4	S-O
Legislative Committee Secretary	Shelley Dolf	17-1	S-O
Legislative Committee Secretary	Donna W. Greenwood	17-7	S-O
Legislative Committee Secretary	Matthew J. Gronewald	17-1	S-O
Legislative Committee Secretary	Deborah L. Helsen	17-1	S-O
Legislative Committee Secretary	Lynn M. Hoffman	17-3	S-O
Legislative Committee Secretary	H. Kay Jenkins	17-3	S-O
Legislative Committee Secretary	Kendra L. Kehoe	17-1	S-O
Legislative Committee Secretary	Anthony J. Kruse	17-1	S-O
Legislative Committee Secretary	Lindsey M. Looney	17-1	S-O
Legislative Committee Secretary	Laura L. Mommsen	17-1	S-O

Legislative Committee Secretary	Melba K. Murken	17-3	S-O
Legislative Committee Secretary	JoAnn Murray	17-2	S-O
Legislative Committee Secretary	Martha S. Raecker	17-2	S-O
Legislative Committee Secretary	Vinita J. Smith	17-5	S-O
Legislative Committee Secretary	Barbara B. Wennerstrum	17-7+2	S-O
Bill Clerk	Marie A. Kirby	14-5	S-O
Assistant Bill Clerk	Elaine A. Platt	12-1	S-O
Postmaster	William C. Walling	12-5	S-O
Sergeant-at-Arms	Wilbur N. Rhoads	17-3	S-O
Assistant Sergeant-at-Arms	Maynard L. Boatwright	14-4	S-O
Assistant Sergeant-at-Arms	Gerald V. Orman	14-3	S-O
Doorkeeper	James S. Glenn	11-1	S-O
Doorkeeper	Gary D. Lynch	11-2	S-O
Doorkeeper	Howard H. Scott, Sr.	11-2	S-O
Doorkeeper	Robert B. Yeager	11-2	S-O

PAGES-GROUP I

Speaker's Page	Kyle H. Groot	9-1	S-O
Chief Clerk's Page	Maison B. Bleam	9-1	S-O
Chief Clerk's Page	Ashlee A. Drake	9-1	S-O
Page	Jennifer M. Danilson	9-1	S-O
Page	Kaci M. Dannatt	9-1	S-O
Page	Tyler J. Dorin	9-1	S-O
Page	Spenser J. Frank	9-1	S-O
Page	Holly A. Grieder	9-1	S-O
Page	Megan L. Hess	9-1	S-O
Page	Erin M. Hopp	9-1	S-O
Page	Anthony R. Menendez	9-1	S-O
Page	Sara J. Micetich	9-1	S-O
Page	Sarita A. Patnaik	9-1	S-O
Page	Josie M. Rundlett	9-1	S-O
Page	Tyler C. Schipper	9-1	S-O
Page	Emily M. Schirmer	9-1	S-O
Page	Larry E. Sheely	9-1	S-O
Page	Andrea M. Skoog	9-1	S-O
Page	Sarah M. Staron	9-1	S-O

PAGES-GROUP II

Page	Erica Ann Ellison	9-1	S-O
Page	Amy Hulstein	9-1	S-O
Page	Benjamin L. Johansen	9-1	S-O
Page	Kelsey J. Klaver	9-1	S-O
Page	Christina J. Running	9-1	S-O
Page	Mitchell J. Schaben	9-1	S-O
Page	Karalyn J. Stott	9-1	S-O
Page	William M. Tuthill	9-1	S-O
Page	Benjamin W. Varley	9-1	S-O

Pursuant to [Senate Concurrent Resolution 3](#), the following is a list of officers and Joint Senate/House employees for the Eighty-First General Assembly, 2005 Session, and their respective classification, grades and steps:

Facilities Manager II	Mark L. Willemsen	38-6	P-FT
Legislative Security Coordinator I	Shawna S. Ferguson	23-3	P-FT
Legislative Security Officer I	Nickolas S. Brown	20-3	P-FT
Legislative Security Officer I	Richard A. Crawford	20-3	P-FT
Legislative Security Officer I	Marshall T. Irwin	20-3	P-FT
Legislative Security Officer I	Carl E. Lami	20-3	P-FT
Legislative Security Officer I	Mahlon Y. Lamp	20-2	P-FT
Legislative Security Officer I	Steven D. Marsh	20-3	P-FT
Legislative Security Officer I	Roy E. Paradise	20-3	P-FT
Legislative Security Officer I	Robert J. Porter	20-3	P-FT
Legislative Security Officer I	Judith A. Salier	20-3	P-FT
Legislative Security Officer I	Curtis L. Scott	20-1	P-FT
Legislative Security Officer I	Leo R. Skeffington	20-1	P-FT
Conservation/Restoration Specialist II	Mark S. Lundberg	31-4	P-FT
Senior Copy Center Operator	Shirley M. Roach	21-6	E-FT

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 29th day of April, 2005: House Files 339, 420, 614, 616, 617, 724, 764, 814 and 819.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 29, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 253](#), an Act relating to governmental ethics and the duties of the Iowa Ethics and Campaign Disclosure Board.

[House File 313](#), an Act relating to the establishment of an industrial processing exception study committee and including an effective date.

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

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

[House File 532](#), an Act relating to the administrative functions of the Department of Cultural Affairs, including the Board of Trustees of the State Historical Society of Iowa and the State Records Commission.

[House File 645](#), an Act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

[House File 700](#), an Act relating to the Iowa Soybean Association, by providing for its board of directors, market development, and providing for an assessment.

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

[House File 745](#), an Act relating to the criminal offense of theft of leased or rented personal property and making penalties applicable.

[House File 746](#), an Act providing procedures for a rural water district to transfer its right to provide water or wastewater service and for dissolution of the district.

[House File 754](#), an Act relating to a homestead exemption waiver notice contained in a written contract affecting agricultural land.

[House File 777](#), an Act relating to testing a person for contagious or infectious disease if the person assaults a person by exchanging or attempting to exchange bodily fluids, and providing a penalty.

[House File 781](#), an Act relating to the establishment of a direct care worker task force.

[House File 789](#), an Act relating to programs and functions under the purview of the Iowa Department of Public Health.

[House File 839](#), an Act providing for the establishment of a technology governance board within the Department of Administrative Service, and making an appropriations.

PRESENTATION OF VISITORS

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

Students from Peet and Holmes Jr. High, Cedar Falls, Iowa, accompanied by Jewell Hayes. By Kressig of Black Hawk.

Thirty-six 5th grade students from George-Little Rock Elementary School, Little Rock, Iowa, accompanied by Stacie Damstra. By Alons of Sioux.

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\1382 Jim and Jean Harmon, Collins – For celebrating their 70th wedding anniversary.
- 2005\1383 DeWayne and Vivian Wilkening, Nevada – For celebrating their 60th wedding anniversary
- 2005\1384 Marget Lee, Maxwell – For celebrating her 90th birthday.
- 2005\1385 Ms. Karol Atwood, Collins – For celebrating her 80th birthday.
- 2005\1386 Dorrance and Therese Kedley, DeWitt – For celebrating their 50th wedding anniversary.
- 2005\1387 Bi-State Motorcycle Awareness Ride Committee – For the May 7th, 2005 Bi-State Motorcycle Awareness Ride.

RESOLUTIONS FILED

[HCR 18](#), by Mertz, a concurrent resolution requesting that the legislative council establish an interim study committee to consider issues relating to and to recommend a comprehensive policy for the closure of agricultural drainage wells and the establishment of related alternative drainage systems.

Laid over under **Rule 25**.

[HR 54](#), by Shomshor, a resolution declaring support for Amtrack.

Laid over under **Rule 25**.

[HR 55](#), by Gipp, a resolution honoring Charles F. Wasker for 50 years of dedicated service to his clients, to the legislative process, and to the State of Iowa.

Laid over under **Rule 25**.

On motion by Gipp of Winneshiek the House adjourned at 4:35 p.m., until 10:00 a.m., Tuesday, May 3, 2005.