

PROOF

STATE OF IOWA

House Journal

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JOURNAL OF THE HOUSE

One-hundredth Calendar Day - Sixty-seventh Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, April 17, 2007

The House met pursuant to adjournment at 9:16 a.m., Speaker Murphy in the chair.

Prayer was offered by Reverend Wayne Pfannkuch, pastor of Emanuel-St. John Lutheran and Lytton Presbyterian Church, Lytton. He was the guest of Representative Dave Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Desmond Grady, House Page from Dunlap.

The Journal of Monday, April 16, 2007 was approved.

SENATE MESSAGE CONSIDERED

[Senate File 569](#), by committee on ways and means, a bill for an act relating to entities and activities regulated by the Iowa department of public health, including the practices of optometry and mortuary science, establishment of a state public health dental director and an oral health bureau, membership on the child death review team, and immunity for emergency response, and providing for the revision of fees.

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

The House stood at ease at 9:26 a.m., until the fall of the gavel.

The House resumed session at 12:09 p.m., Kelley of Black Hawk in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 744](#), a bill for an act relating to a debtor's exempt personal injury payments in state court debt collection and federal bankruptcy actions.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 155](#), a bill for an act relating to local governments by creating a local government innovation commission and fund, creating a center for governing excellence, and including an effective date.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 175](#), a bill for an act relating to the disposition of seized property in a criminal proceeding.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 265](#), a bill for an act relating to asbestos removal and encapsulation regulations as enforced by the labor commissioner.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 333](#), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 339](#), a bill for an act relating to county general obligation bonds by modifying the definition of essential county purpose and by changing the requirements under which a county may issue general county purpose bonds without an election.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 406](#), a bill for an act relating to dogs, including the right to kill a tagged dog and the liability of a dog's owner for damages caused by the dog.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 489](#), a bill for an act creating an Alzheimer's disease task force.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 540](#), a bill for an act relating to trusts and estates including fiduciaries and beneficiaries and including applicability provisions.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 563](#), a bill for an act relating to and making appropriations to the judicial branch.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 570](#), a bill for an act modifying the fee structure relating to amusement ride safety inspections conducted by the division of labor services of the department of workforce development, and providing an effective date.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the House was asked:

[Senate File 572](#), a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 575](#), a bill for an act relating to and making appropriations to the justice system.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 581](#), a bill for an act relating to certain property eligible for an exemption from property taxation, providing a refund of property taxes in certain circumstances, and including effective and retroactive applicability date provisions.

MICHAEL E. MARSHALL, Secretary

On motion by McCarthy of Polk, the House was recessed at 12:10 p.m., until the completion of the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 3:25 p.m., Lukan of Dubuque in the chair.

SENATE MESSAGES CONSIDERED

[Senate File 570](#), by committee on ways and means, a bill for an act modifying the fee structure relating to amusement ride safety inspections conducted by the division of labor services of the department of workforce development, and providing an effective date.

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

[Senate File 572](#), by committee on ways and means, a bill for an act extending state tax benefits for use of soy-based transformer fluid by electric utilities and including effective and applicability date provisions.

Read first time and **passed on file**.

[Senate File 575](#), by committee on appropriations, a bill for an act relating to and making appropriations to the justice system.

Read first time and referred to committee on **appropriations**.

[Senate File 581](#), by committee on ways and means, a bill for an act relating to certain property eligible for an exemption from property taxation, providing a refund of property taxes in certain circumstances, and including effective and retroactive applicability date provisions.

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

HOUSE REFUSED TO CONCUR

Winckler of Scott called up for consideration [Senate File 277](#), a bill for an act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment [H-1738](#) to the House amendment:

H-1738

1 Amend the House amendment, [S-3298](#), to Senate File
2 277, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 39 the
5 following:

6 ""Sec.____. Section 257.31, Code 2007, is amended
7 by adding the following new subsection:

8 **NEW SUBSECTION.** 18. Subject to appropriation of
9 sufficient funds by the general assembly, the school
10 budget review committee shall establish a grant
11 assistance program and application process to provide
12 one-time grants to eligible school districts for
13 purposes of adding one or more teacher librarians
14 pursuant to section 256.11, subsection 9, one or more
15 guidance counselors pursuant to section 256.11,
16 subsection 9A, or one or more school nurses pursuant
17 to section 256.11, subsection 9B.

18 a. The committee shall establish criteria to be
19 used in evaluating the applications for grant
20 assistance submitted by school districts in accordance
21 with this subsection. The criteria shall include but
22 is not limited to requirements that an eligible school
23 district have a cash reserve of twenty-five percent or
24 less and a demonstrated need for the funding.

25 b. A professional support fund is created in the
26 state treasury to be administered by the school budget
27 review committee for purposes of this subsection.
28 Notwithstanding section 8.33, any balance in the fund
29 on June 30 of any fiscal year shall not revert to the
30 general fund of the state but shall remain available
31 to the committee for purposes of this subsection.
32 Notwithstanding section 12C.7, any interest and
33 earnings on investments from money in the fund shall
34 be credited to the fund."

35 2. Page 3, by striking lines 20 and 21 and
36 inserting the following: "education, the use and
37 distribution of the professional".

38 3. Page 3, by inserting after line 41 the
39 following:

40 "____. Page 15, line 34, by striking the words
41 "~~four~~ hundred" and inserting the following:
42 "~~hundred~~".

43 _____. Page 16, line 7, by inserting after the
44 figure "256.45" the following: "and not less than one
45 million dollars shall be deposited in the professional
46 support fund created pursuant to section 257.31,
47 subsection 18, as enacted by this Act".

48 4. Page 6, by inserting after line 17 the
49 following:

50 "____. Page 29, by striking line 14 and inserting

Page 2

- 1 the following: "173,943,894".
- 2 ____ Page 29, by striking line 16 and inserting
- 3 the following: "248,943,894."
- 4 5. By renumbering, relettering, or redesignating
- 5 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment [H-1738](#), to the House amendment.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 277](#) be immediately messaged to the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2007, concurred in the House amendment to the Senate amendment, and passed the following bill in which the concurrence of the Senate was asked:

[House File 793](#), a bill for an act relating to administration of regional transportation by regional transit districts and of highways and regulation of motor vehicles by the state department of transportation, including provisions relating to the placement of advertising devices along primary highways, qualifications of property appraisers, state standards for land surveying, destruction of suspended or revoked driver's licenses, requirements for a temporary restricted driver's license, registration and titling of vehicles, special registration plates related to military service and allocation of fees, antique motor vehicle registration plates and fees, licensing of motor vehicle dealers, motor carrier registration and fuel tax liability, motor vehicle enforcement near construction areas, the maximum length limitation for single trucks, requirements for operation of certain self-propelled implements of husbandry on secondary roads, and disposition of regional transit district tax revenues collected by a county treasurer, and providing effective dates.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 851](#), a bill for an act relating to expenditure approval requirements applicable to the purchase of telecommunications equipment or services by the Iowa communications network.

Also: That the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 360](#), a bill for an act relating to the regulatory duties of the division of banking of the department of commerce regarding banking, debt management, mortgage banking, industrial loan companies, and professional licensing.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Ways and Means Calendar

[House File 781](#), a bill for an act relating to changes in the utility replacement tax law by redefining a new electric power generating plant, extending the life of the utility replacement tax task force, and requiring notification by the taxpayer to the department of revenue and local taxing district upon transfer of utility property, was taken up for consideration.

[SENATE FILE 278](#) SUBSTITUTED FOR [HOUSE FILE 781](#)

T. Olson of Linn asked and received unanimous consent to substitute [Senate File 278](#) for [House File 781](#).

[Senate File 278](#), a bill for an act relating to changes in the utility replacement tax law by redefining a new electric power generating plant, extending the life of the utility replacement tax task force, and requiring notification by the taxpayer to the department of revenue and local taxing district upon transfer of utility property, was taken up for consideration.

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

On the question “Shall the bill pass?” ([S.F. 278](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser

Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Lukan, Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

HOUSE FILE 781 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House File 781 from further consideration by the House.

SENATE AMENDMENT CONSIDERED

T. Taylor of Linn called up for consideration House File 368, a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development, amended by the Senate amendment H-1429:

H-1429

1 Amend House File 368, as passed by the House, as
 2 follows:
 3 1. Page 1, by inserting after line 16 the
 4 following:
 5 "Sec.____. Section 89.4, subsection 1, Code 2007,
 6 is amended by adding the following new paragraph:
 7 NEW PARAGRAPH. i. Water heaters used for potable

8 water if the capacity is less than fifty gallons, the
 9 burner input is less than fifty thousand British
 10 thermal units, and the maximum allowable working
 11 pressure is less than one hundred sixty pounds per
 12 square inch."
 13 2. By renumbering as necessary.

McCarthy of Polk asked and received unanimous consent that [House File 368](#) be deferred and that the bill retain its place on the calendar. (Senate amendment [H-1429](#) pending.)

Unfinished Business Calendar

[Senate File 472](#), a bill for an act requiring the posting of close-clearance warning devices along railroad tracks and providing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Huser of Polk offered the following amendment [H-1610](#) filed by the committee on transportation and moved its adoption:

[H-1610](#)

1 Amend [Senate File 472](#), as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by inserting after line 20 the
 4 following:
 5 "____. This section does not apply to railroad
 6 spurs constructed or under construction prior to July
 7 1, 2007."
 8 2. Page 1, by inserting after line 30 the
 9 following:
 10 "Sec.____. The sections of 2007 Iowa Acts, Senate
 11 File 403, amending section 260C.14, subsection 6, and
 12 section 313.2, unnumbered paragraph 5, if enacted, are
 13 repealed.
 14 Sec.____. EFFECTIVE DATE. The section of this Act
 15 repealing sections of 2007 Iowa Acts, [Senate File 403](#),
 16 if enacted, being deemed of immediate importance,
 17 takes effect upon enactment."
 18 3. Title page, line 1, by inserting after the
 19 word "Act" the following: "concerning financial and
 20 regulatory matters, including by".
 21 4. Title page, line 2, by inserting after the
 22 word "penalty" the following: ", and providing an
 23 effective date".
 24 5. By renumbering as necessary.

The committee amendment [H-1610](#) was adopted.

Lykam 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. 472](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Lukan,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

[Senate File 543](#), a bill for an act relating to the state interagency Missouri river authority, by providing for the participation in or

withdrawal from interstate associations, providing for the appointment of a vice chairperson, and providing for duties of member agencies, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" ([S.F. 543](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Lukan,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

Senate File 518, a bill for an act reorganizing Code chapter provisions relating to the authority to engage in the business of insurance other than life insurance by transferring provisions, eliminating outdated provisions, and amending corresponding provisions, as necessary, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (**S.F. 518**)

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lykam	Mascher	May	McCarthy
Mertz	Miller, H.	Miller, L.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Lukan,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 278, 472, 518 and 543.**

Speaker Murphy in the chair at 4:02 p.m.

Appropriations Calendar

House File 890, a bill for an act relating to assistance for small businesses, making appropriations, and providing an effective date provision, was taken up for consideration.

Ford of Polk offered the following amendment [H-1712](#) filed by him and moved its adoption:

[H-1712](#)

- 1 Amend [House File 890](#) as follows:
- 2 1. Page 1, lines 28 and 29, by striking the words
- 3 "December 31, 2007" and inserting the following:
- 4 "March 1, 2008".
- 5 2. Page 2, by inserting after line 11 the
- 6 following:
- 7 "Sec.____. Section 15.102, subsection 5, paragraph
- 8 b, subparagraph (3), Code 2007, is amended to read as
- 9 follows:
- 10 (3) "Minority person" means an individual who is a
- 11 Black, ~~Hispanic~~ **Latino**, Asian or Pacific Islander,
- 12 American Indian, or Alaskan native American."
- 13 3. Page 2, by striking lines 18 and 19 and
- 14 inserting the following: "~~The duties of the director~~
- 15 ~~under this paragraph include the following:~~"
- 16 4. Page 6, line 22, by inserting after the word
- 17 "be" the following: "successful".
- 18 5. Page 6, line 23, by inserting after the word
- 19 "sector." the following: "At least one member shall
- 20 be a member of the economic development board
- 21 appointed by the economic development board."
- 22 6. Page 6, by striking line 25 and inserting the
- 23 following:
- 24 "(1) Latino."
- 25 7. Page 6, by striking line 28.

- 26 8. Page 6, line 33, by striking the word "fourth"
27 and inserting the following: "third".
28 9. Page 6, line 34, by striking the word "fourth"
29 and inserting the following: "third".
30 10. Page 7, line 6, by inserting after the word
31 "reappointed." the following: "A member shall not
32 serve more than two terms."
33 11. By renumbering as necessary.

Amendment [H-1712](#) was adopted.

Lukan of Dubuque offered amendment [H-1594](#) filed by him as follows:

[H-1594](#)

- 1 Amend [House File 890](#) as follows:
2 1. Page 1, by inserting after line 30 the
3 following:
4 "Sec.____. Section 12.43, subsection 5, unnumbered
5 paragraph 1, Code 2007, is amended to read as follows:
6 In order to qualify under this program, all owners
7 of the business or borrowers must not have a combined
8 net worth exceeding ~~seven~~ one million five hundred
9 ~~fifty~~ thousand dollars as defined in rules adopted by
10 the treasurer of state pursuant to chapter 17A and the
11 small business must meet all of the following
12 criteria:
13 Sec.____. Section 12.43, subsection 5, paragraph
14 b, Code 2007, is amended to read as follows:
15 b. If an application involves an existing business
16 or the transfer of an existing business to a new
17 owner, the business must have annual gross sales of
18 ~~two~~ four million dollars or less at the time the
19 application is submitted under section 12.35."
20 2. By renumbering as necessary.

Ford of Polk rose on a point of order that amendment [H-1594](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1594](#) not germane.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1737](#) filed by him on April 16, 2007.

Rants of Woodbury offered the following amendment [H-1717](#) filed by him and Raecker of Polk and moved its adoption:

[H-1717](#)

- 1 Amend [House File 890](#) as follows:
 2 1. Page 9, line 4, by striking the figure "2006"
 3 and inserting the following: "2007".
 4 2. Page 9, line 4, by striking the figure "2007"
 5 and inserting the following: "2008".
 6 3. Page 9, line 22, by striking the figure "2006"
 7 and inserting the following: "2007".
 8 4. Page 9, line 22, by striking the figure "2007"
 9 and inserting the following: "2008".
 10 5. Page 10, line 1, by striking the figure "2006"
 11 and inserting the following: "2007".
 12 6. Page 10, line 1, by striking the figure "2007"
 13 and inserting the following: "2008".
 14 7. Page 10, line 33, by striking the figure
 15 "2006" and inserting the following: "2007".
 16 8. Page 10, line 33, by striking the figure
 17 "2007" and inserting the following: "2008".
 18 9. Page 11, line 22, by striking the figure
 19 "2006" and inserting the following: "2007".
 20 10. Page 11, line 22, by striking the figure
 21 "2007" and inserting the following: "2008".

A non-record roll call was requested.

The ayes were 46, nays 50.

Amendment [H-1717](#) lost.

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

On the question "Shall the bill pass?" ([H.F. 890](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley

Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wienczek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2007, amended and passed the following bill in which the concurrence of the House is asked:

[House File 608](#), a bill for an act relating to notice of meetings of the board of township trustees.

Also: That the Senate has on April 17, 2007, passed the following bill in which the concurrence of the Senate was asked:

[House File 742](#), a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, and providing fees and penalties.

Also: That the Senate has on April 17, 2007, amended and passed the following bill in which the concurrence of the House is asked:

[House File 773](#), a bill for an act establishing an energy city designation program.

Also: That the Senate has on April 17, 2007, amended and passed the following bill in which the concurrence of the House is asked:

[House File 808](#), a bill for an act concerning accountability requirements for entities and boards created for joint exercise of governmental powers and providing an effective date.

MICHAEL E. MARSHALL, Secretary

[Senate File 90](#), a bill for an act concerning local emergency management commission communications, with report of committee recommending passage, was taken up for consideration.

Lykam 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. 90](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

SENATE AMENDMENT CONSIDERED

Hoffman of Crawford called up for consideration [House File 499](#), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including workers' compensation self-insurance, premium taxes, the uniform securities Act, powers and duties of the insurance division, regulation of insurance sales to military personnel, domestic insurance companies, life insurance companies, nonprofit health service corporations, external review of health care coverage decisions, investment limitations on insurers other than life insurers, property and casualty insurers' reserves, motor vehicle service contracts, county and state mutual associations, reciprocal or interinsurance contracts, licensing of insurance producers and public adjusters, and life and fire insurance company boards of directors, and providing penalties, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1700](#):

[H-1700](#)

1 Amend [House File 499](#), as passed by the House, as
2 follows:

3 1. Page 15, by inserting after line 13, the
4 following:

5 "Sec.____. Section 521G.6, subsection 6, Code
6 2007, is amended to read as follows:

7 6. A protected cell company shall only attribute
8 to a protected cell account the insurance obligations
9 relating to the protected cell company's general
10 account. A protected cell ~~company~~ shall not issue an
11 insurance or reinsurance contract directly to a
12 policyholder or reinsured, and shall not have an
13 obligation to a policyholder or reinsured of the
14 protected cell company's general account."

15 2. Page 19, by striking line 9, and inserting the
16 following:

17 "Sec.____. Sections 505.26, 523.5, and 523.6, Code
18 2007, are".

19 3. Title page, line 12, by inserting after the

20 word "contracts," the following: "protected cell
 21 companies,".
 22 4. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment [H-1700](#).

Hoffman of Crawford 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. 499](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 499, 890** and [Senate File 90](#).

The House resumed consideration of [House File 368](#)

SENATE AMENDMENT CONSIDERED

The House resumed consideration of [House File 368](#), a bill for an act relating to the boiler and pressure vessel safety program enforced by the division of labor services of the department of workforce development, amended by the Senate amendment [H-1429](#), previously deferred and found on page 1412 of the House Journal:

T. Taylor of Linn offered the following amendment [H-1657](#), to the Senate amendment [H-1429](#), filed by him and moved its adoption:

[H-1657](#)

- 1 Amend the Senate amendment, [H-1429](#), to House File
- 2 368, as passed by the House, as follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "than" the following: "or equal to".
- 5 2. Page 1, line 9, by inserting after the word
- 6 "than" the following: "or equal to".

Amendment [H-1657](#) was adopted.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment [H-1600](#), to the Senate amendment [H-1429](#), filed by him on April 5, 2007.

On motion by T. Taylor of Linn the House concurred in the Senate amendment [H-1429](#), as amended.

T. Taylor of Linn 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. 368](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	Dandekar	Davitt	De Boef
Deyoe	Dolecheck	Drake	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Gipp	Granzow	Grassley
Greiner	Heaton	Heddens	Hoffman
Horbach	Hunter	Huseman	Huser
Jacobs	Jacoby	Jochum	Kaufmann
Kelley	Kressig	Kuhn	Lensing
Lukan	Lykam	Mascher	May
McCarthy	Mertz	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Olson, T.	Palmer	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker	
		Murphy	

The nays were, none.

Absent or not voting, 1:

Zirkelbach

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 368](#) be immediately messaged to the Senate.

Ways and Means Calendar

[House File 888](#), a bill for an act regulating dangerous wild animals, including their ownership and possession, requiring registration, providing for fees and appropriations, and providing penalties, was taken up for consideration.

T. Taylor of Linn offered the following amendment [H-1574](#) filed by him and moved its adoption:

[H-1574](#)

- 1 Amend [House File 888](#) as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 717F.1 DEFINITIONS.
- 5 As used in this chapter, unless the context
6 otherwise requires:
- 7 1. "Agricultural animal" means the same as defined
8 in section 717A.1.
- 9 2. "Assistive animal" means the same as defined in
10 section 216C.11.
- 11 3. a. "Circus" means a person who is all of the
12 following:
- 13 (1) The holder of a class "C" license issued by
14 the United States department of agriculture as
15 provided in 9 C.F.R., pt. 2, subpt. A.
- 16 (2) Is temporarily in this state as an exhibitor
17 as defined in 9 C.F.R., pt. 1, for purposes of
18 providing skilled performances by dangerous wild
19 animals, clowns, or acrobats for public entertainment.
- 20 b. "Circus" does not include a person, regardless
21 of whether the person is a holder of a class "C"
22 license as provided in paragraph "a", who does any of
23 the following:
- 24 (1) Keeps a dangerous wild animal which is a
25 member of the order carnivora within the family
26 felidae or the family ursidae, as described in this
27 section.
- 28 (2) Uses the dangerous wild animal for any of the
29 following purposes:
- 30 (a) A presentation to children at a public or
31 nonpublic school as defined in section 280.2.
- 32 (b) Entertainment that involves an activity in
33 which a member of the public is in close proximity to
34 the dangerous wild animal, including but not limited
35 to a contest or a photographic opportunity.
- 36 4. "Custody" means to possess, control, keep, or
37 harbor a dangerous wild animal in this state by a

38 public agency.

39 5. a. "Dangerous wild animal" means any of the
40 following:

41 (1) A member of the family canidae of the order
42 carnivora, including but not limited to wolves,
43 coyotes, and jackals. However, a dangerous wild
44 animal does not include a domestic dog.

45 (2) A member of the family hyaenidae of the order
46 of carnivora, including but not limited to hyenas.

47 (3) A member of the family felidae of the order
48 carnivora, including but not limited to lions, tigers,
49 cougars, leopards, cheetahs, ocelots, and servals.

50 However, a dangerous wild animal does not include a

Page 2

1 domestic cat.

2 (4) A member of the family ursidae of the order
3 carnivora, including bears and pandas.

4 (5) A member of the family rhinocerotidae order
5 perissodactyla, which is a rhinoceros.

6 (6) A member of the order proboscidea, which are
7 any species of elephant.

8 (7) A member of the order of primates other than
9 humans, and including the following families:

10 callitrichiidae, cebidae, cercopithecidae,

11 cheirogaleidae, daubentoniidae, galagonidae,

12 hominidae, hylobatidae, indridae, lemuridae, loridae,

13 megaladapidae, or tarsiidae. A member includes but is

14 not limited to marmosets, tamarins, monkeys, lemurs,

15 galagos, bushbabies, great apes, gibbons, lesser apes,

16 indris, sifakas, and tarsiers.

17 (8) A member of the order crocodylia, including

18 but not limited to alligators, caimans, crocodiles,

19 and gharials.

20 (9) A member of the family varanidae of the order

21 squamata, which are limited to water monitors and

22 crocodile monitors.

23 (10) A member of the order squamata which is any

24 of the following:

25 (a) A member of the family varanidae, which are
26 limited to water monitors and crocodile monitors.

27 (b) A member of the family atractaspidae,
28 including but not limited to mole vipers and burrowing
29 asps.

30 (c) A member of the family helodermatidae,
31 including but not limited to beaded lizards and gila
32 monsters.

33 (d) A member of the family elapidae, voperidae,
34 crotalidae, atractaspidae, or hydrophidae which are
35 venomous, including but not limited to cobras, mambas,
36 coral snakes, kraits, adders, vipers, rattlesnakes,

37 copperheads, pit vipers, keelbacks, cottonmouths, and
38 sea snakes.

39 (e) A member of the superfamily henophidia, which
40 are limited to reticulated pythons, anacondas, and
41 African rock pythons.

42 b. "Dangerous wild animal" includes an animal
43 which is the offspring of an animal provided in
44 paragraph "a", and another animal provided in that
45 paragraph or any other animal. It also includes
46 animals which are the offspring of each subsequent
47 generation. However, a dangerous wild animal does not
48 include the offspring of a domestic dog and a wolf, or
49 the offspring from each subsequent generation in which
50 at least one parent is a domestic dog.

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1 6. "Department" means the department of
2 agriculture and land stewardship.

3 7. "Electronic identification device" means a
4 device which when installed is designed to store
5 information regarding an animal or the animal's owner
6 in a digital format which may be accessed by a
7 computer for purposes of reading or manipulating the
8 information.

9 8. "Possess" means to own, keep, or control a
10 dangerous wild animal, or supervise or provide for the
11 care and feeding of a dangerous wild animal, including
12 any activity relating to confining, handling,
13 breeding, transporting, or exhibiting the dangerous
14 wild animal.

15 9. "Public agency" means the same as defined in
16 section 28E.2.

17 10. "Research facility" means any of the
18 following:

19 a. A federal research facility as provided in 9
20 C.F.R. ch. I.

21 b. A research facility that is required to be
22 registered by the United States department of
23 agriculture pursuant to 9 C.F.R. ch. I.

24 c. A research facility which is certified by the
25 department of agriculture and land stewardship as
26 provided in section 162.10.

27 11. "Wildlife sanctuary" means an organization
28 exempt from taxation pursuant to section 501(c) of the
29 Internal Revenue Code that operates a place of refuge
30 where abused, neglected, unwanted, impounded,
31 abandoned, orphaned, or displaced wildlife are
32 provided care for their lifetime, if all of the
33 following apply:

34 a. The organization does not buy, sell, trade,
35 auction, lease, loan, or breed any animal of which the

36 organization is an owner.

37 b. The organization is accredited by the American
38 sanctuary association, the association of sanctuaries,
39 or another similar organization recognized by the
40 department.

41 Sec. 2. NEW SECTION. 717F.2 RULEMAKING —
42 CHAPTER 28E AGREEMENTS — ASSISTANCE OF ANIMAL WARDEN.

43 1. The department shall administer this chapter by
44 doing all of the following:

45 a. Adopting rules as provided in chapter 17A for
46 the administration and enforcement of this chapter.

47 b. Entering into agreements with public agencies
48 pursuant to chapter 28E as the department determines
49 necessary for the administration and enforcement of
50 this chapter.

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1 2. An animal warden as defined in section 162.2
2 shall assist the department in seizing and maintaining
3 custody of dangerous wild animals.

4 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD
5 ANIMALS — PROHIBITIONS.

6 Except as otherwise provided in this chapter, a
7 person shall not do any of the following:

8 1. Own or possess a dangerous wild animal.

9 2. Cause or allow a dangerous wild animal owned by
10 a person or in the person's possession to breed.

11 3. Transport a dangerous wild animal into this
12 state.

13 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING
14 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS
15 ACT.

16 A person who owns or possesses a dangerous wild
17 animal on the effective date of this Act may continue
18 to own or possess the dangerous wild animal subject to
19 all of the following:

20 1. The person must be eighteen years old or older.

21 2. a. The person must not have been convicted of
22 an offense involving the abuse or neglect of an animal
23 pursuant to a law of this state or another state,
24 including but not limited to chapter 717, 717B, 717C,
25 or 717D or an ordinance adopted by a city or county.

26 b. The department, another state, or the federal
27 government must not have suspended an application for
28 a permit or license or revoked a permit or license
29 required to operate a commercial establishment for the
30 care, breeding, or sale of animals, including as
31 provided in chapter 162.

32 c. The person must not have been convicted of a
33 felony for an offense committed within the last ten
34 years, as provided by this Code, under the laws of

35 another state, or under federal law.
36 d. The person must not have been convicted of a
37 misdemeanor or felony for an offense committed within
38 the last ten years involving a controlled substance as
39 defined in section 124.101 in this state, under the
40 laws of another state, or under federal law.
41 3. Within sixty days after the effective date of
42 this Act, the person must have an electronic
43 identification device implanted beneath the skin or
44 hide of the dangerous wild animal, unless a licensed
45 veterinarian states in writing that the implantation
46 would endanger the comfort or health of the dangerous
47 wild animal. In such case, an electronic
48 identification device may be otherwise attached to the
49 dangerous wild animal as required by the department.
50 4. Not later than December 31, 2007, the person

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1 must notify the department using a registration form
2 prepared by the department. The registration form
3 shall include all of the following information:
4 a. The person's name, address, and telephone
5 number.
6 b. A sworn affidavit that the person meets the
7 requirements necessary to own or possess a dangerous
8 wild animal as provided in this section.
9 c. A complete inventory of each dangerous wild
10 animal which the person owns or possesses. The
11 inventory shall include all of the following
12 information:
13 (1) The number of the dangerous wild animals
14 according to species.
15 (2) The manufacturer and manufacturer's number of
16 the electronic device implanted in or attached to each
17 dangerous wild animal.
18 (3) The location where each dangerous wild animal
19 is kept. The person must notify the department in
20 writing within ten days of a change of address or
21 location where the dangerous wild animal is kept.
22 (4) The approximate age, sex, color, weight,
23 scars, and any distinguishing marks of each dangerous
24 wild animal.
25 (5) The name, business mailing address, and
26 business telephone number of the licensed veterinarian
27 who is responsible for providing care to the dangerous
28 wild animal. The information shall include a
29 statement signed by the licensed veterinarian
30 certifying that the dangerous wild animal is in good
31 health.
32 (6) A color photograph of the dangerous wild
33 animal.

34 (7) A copy of a current liability insurance policy
35 as required in this section. The person shall send a
36 copy of the current liability policy to the department
37 each year.

38 5. The person must pay the department a
39 registration fee as provided in section 717F.8.

40 6. The person must maintain health and ownership
41 records for the dangerous wild animal for the life of
42 the dangerous wild animal.

43 7. The person must confine the dangerous wild
44 animal in a primary enclosure as required by the
45 department on the person's premises. The person must
46 not allow the dangerous wild animal outside of the
47 primary enclosure unless the dangerous wild animal is
48 moved pursuant to any of the following:

49 a. To receive veterinary care from a licensed
50 veterinarian.

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1 b. To comply with the directions of the department
2 or an animal warden.

3 c. To transfer ownership and possession of the
4 dangerous wild animal to a wildlife sanctuary or
5 provide for its destruction by euthanasia as required
6 by the department.

7 8. The person must display at least one sign on
8 the person's premises where the dangerous wild animal
9 is kept warning the public that the dangerous wild
10 animal is confined there. The sign must include a
11 symbol warning children of the presence of the
12 dangerous wild animal.

13 9. The person must immediately notify an animal
14 warden or other local law enforcement official of any
15 escape of a dangerous wild animal.

16 10. The person must maintain liability insurance
17 coverage in an amount of not less than one hundred
18 thousand dollars with a deductible of not more than
19 two hundred fifty dollars, for each occurrence of
20 property damage, bodily injury, or death caused by
21 each dangerous wild animal kept by the person.

22 11. The person who owns or possesses the dangerous
23 wild animal is strictly liable for any damages,
24 injury, or death caused by the dangerous wild animal.
25 The person must reimburse the department or other
26 public agency for actual expenses incurred by
27 capturing and maintaining custody of the dangerous
28 wild animal.

29 12. If the person is no longer able to care for
30 the dangerous wild animal, all of the following apply:

31 a. The person must so notify the department,
32 stating the planned disposition of the dangerous wild

33 animal.

34 b. The person must dispose of the dangerous wild
35 animal by transferring ownership and possession to a
36 wildlife sanctuary or providing for its destruction by
37 euthanasia as required by the department.

38 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY,
39 AND DISPOSAL OF DANGEROUS WILD ANIMALS.

40 1. a. Except as provided in paragraph "b", the
41 department shall seize a dangerous wild animal which
42 is in the possession of a person if the person is not
43 in compliance with the requirements of this chapter.

44 b. Upon request, the department may provide that
45 the person retain possession of the dangerous wild
46 animal for not more than fourteen days, upon
47 conditions required by the department. During that
48 period, the person shall take all necessary actions to
49 comply with this chapter. The department shall
50 inspect the premises where the dangerous wild animal

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1 is kept during reasonable times to ensure that the
2 person is complying with the conditions.

3 2. If the person fails to comply with the
4 conditions of the department at any time or is not in
5 compliance with this chapter following the
6 fourteen-day period, the department shall seize the
7 dangerous wild animal.

8 a. The dangerous wild animal shall be considered
9 to be a threatened animal which has been rescued as
10 provided in chapter 717B. The court may authorize the
11 return of the dangerous wild animal to the person from
12 whom the dangerous wild animal was seized if the court
13 finds all of the following:

14 (1) The person is capable of providing the care
15 required for the dangerous wild animal.

16 (2) There is a substantial likelihood that the
17 person will provide the care required for the
18 dangerous wild animal.

19 (3) The dangerous wild animal has not been abused,
20 neglected, or tortured, as provided in chapter 717B.

21 b. If the court orders a permanent disposition of
22 the dangerous wild animal, the dangerous wild animal
23 shall be subject to disposition as provided in section
24 717B.4 and the responsible party shall be assessed
25 costs associated with its seizure, custody, and
26 disposition as provided in that section. The
27 department may find long-term placement for the
28 dangerous wild animal with a wildlife sanctuary or
29 institution accredited or certified by the American
30 zoo and aquarium association.

31 Sec. 6. NEW SECTION. 717F.6 CAUSE OF THE ESCAPE

32 OF A DANGEROUS WILD ANIMAL — PROHIBITION.

33 A person shall not intentionally cause a dangerous
34 wild animal to escape from its place of confinement,
35 including as provided in section 717F.4.

36 Sec. 7. NEW SECTION. 717F.7 EXEMPTIONS.

37 This chapter does not apply to any of the
38 following:

- 39 1. An institution accredited or certified by the
40 American zoo and aquarium association.
- 41 2. A wildlife sanctuary.
- 42 3. A person who has been issued a falconry license
43 by the department of natural resources pursuant to
44 section 483A.1.
- 45 4. A person who owns or possesses a dangerous wild
46 animal as an agricultural animal. The person shall
47 not transfer the dangerous wild animal to another
48 person, unless the person to whom the dangerous wild
49 animal is transferred will own or possess it as an
50 agricultural animal or the person is a wildlife

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1 sanctuary.

2 5. A person who owns or possesses a dangerous wild
3 animal as an assistive animal. The person shall not
4 transfer the dangerous wild animal to another person,
5 unless the person to whom the dangerous wild animal is
6 transferred will own or possess it as an assistive
7 animal or the person is a wildlife sanctuary.

8 6. A person who harvests the dangerous wild animal
9 as a hunter or trapper pursuant to state law and as
10 regulated by the department of natural resources.

11 7. A person who has been issued a wildlife
12 rehabilitation permit by the department of natural
13 resources pursuant to section 481A.65.

14 8. A circus that obtains a permit from a city in
15 which it will be temporarily operating, if the city
16 issues permits.

17 9. A city.

18 10. A nonprofit corporation governed under chapter
19 504 that is an organization described in section
20 501(c)(3) of the Internal Revenue Code and that is
21 exempt from taxation under section 501(a) of the
22 Internal Revenue Code if the nonprofit corporation was
23 a party to a contract executed with a city prior to
24 the effective date of this Act to provide for the
25 exhibition of dangerous wild animals at a municipal
26 zoo. The nonprofit corporation shall not transfer the
27 dangerous wild animal to another person, unless the
28 person to whom the dangerous wild animal is
29 transferred is a wildlife sanctuary.

30 11. The state fair as provided in chapter 173 or

- 31 any fair as provided in chapter 174.
32 12. A research facility.
33 13. A location operated by a person licensed to
34 practice veterinary medicine pursuant to chapter 169.
35 14. A pound as defined in section 162.2.
36 15. An animal shelter as defined in section 162.2.
37 16. A county conservation board as provided in
38 chapter 350.
39 17. An employee of the department responsible for
40 the administration of this chapter, an animal warden
41 as defined in section 162.2, or an animal care
42 provider or law enforcement officer as defined in
43 section 717B.1.
44 18. A person temporarily transporting a dangerous
45 wild animal through this state if the transit time is
46 not more than ninety-six hours and the dangerous wild
47 animal is maintained within a confined area sufficient
48 to prevent its escape or injuring members of the
49 traveling public.
50 19. A public agency which maintains permanent

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- 1 custody of a dangerous wild animal, if the person to
2 whom the public agency assigns the duty to manage the
3 custody of the dangerous wild animal complies with the
4 provisions of section 717F.4.
5 20. A person who keeps a dangerous wild animal
6 pursuant to all of the following conditions:
7 a. The person is licensed by the United States
8 department of agriculture as provided in 9 C.F.R. ch.
9 I.
10 b. The person is registered by the department of
11 agriculture and land stewardship. Upon a complaint
12 filed with the department of agriculture and land
13 stewardship, the department may inspect the premises
14 or investigate the practices of the registered person
15 and suspend or revoke the registration for the same
16 causes and in the same manner as provided in section
17 162.12.
18 Sec. 8. NEW SECTION. 717F.8 DANGEROUS WILD
19 ANIMAL REGISTRATION FEES.
20 The department may charge a registration fee for
21 each dangerous wild animal owned or possessed by a
22 person required to be registered pursuant to section
23 717F.4.
24 1. The department shall collect an annual
25 registration fee which is an original registration fee
26 or a renewal of an original registration fee. The
27 amount of the renewal registration fee is one-half of
28 the amount of the original registration fee. Moneys
29 collected in registration fees shall be deposited in

30 the dangerous wild animal registration fund created in
31 section 717F.9.

32 2. The amount of the original registration fees
33 shall be as follows:

34 a. Five hundred dollars for a member of the order
35 proboscidea, which are any species of elephant.

36 b. Five hundred dollars for a member of the family
37 rhinocerotidae order perissodactyla, which is a
38 rhinoceros.

39 c. Three hundred dollars for a member of the
40 family ursidae of the order carnivora, which is
41 limited to bears.

42 d. For a member of the family felidae of the order
43 carnivora, all of the following:

44 (1) Three hundred dollars for a member of the
45 subfamily pantherinae, limited to leopards other than
46 snow leopards, lions, and tigers; and for a member of
47 the subfamily felinae limited to pumas, jaguars, and
48 cougars.

49 (2) Two hundred dollars for a member of the
50 subfamily felinae limited to bobcats, clouded

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1 leopards, cheetahs, and lynx.

2 (3) One hundred dollars for a member of the
3 subfamily felinae limited to caracals, desert cats,
4 Geoffroy's cats, jungle cats, margays, ocelots,
5 servals, and wild cats.

6 e. For a member of the order of primates other
7 than humans, all of the following:

8 (1) Three hundred dollars for a member commonly
9 referred to as an ape, belonging to the hylobatidae
10 family such as gibbons and siamangs, or to the
11 pongidae family including gorillas, orangutans, or
12 chimpanzees.

13 (2) One hundred fifty dollars for a member
14 commonly referred to as an old world monkey, belonging
15 to the family cercopithecidae, including but not
16 limited to macaques, rhesus, mangabeys, mandrills,
17 guenons, patas monkeys, langurs, and proboscis
18 monkeys.

19 (3) Fifty dollars for a member commonly referred
20 to as a new world monkey belonging to the family
21 cebidae, including but not limited to cebids,
22 including capuchin monkeys, howlers, woolly monkeys,
23 squirrel monkeys, night monkeys, titis, uakaris, or to
24 the family callitrichidae, including but not limited
25 to marmosets and tamarins.

26 f. One hundred dollars for a member of the order
27 crocodilia, including but not limited to alligators,
28 caimans, crocodiles, and gharials.

29 g. Fifty dollars for a member of the family
30 varanidae of the order squamata, which are limited to
31 water monitors and crocodile monitors.
32 h. Fifty dollars for a member of the family
33 atractaspidae, including but not limited to mole
34 vipers and burrowing asps.
35 i. Fifty dollars for a member of the family
36 helodermatidae, including but not limited to beaded
37 lizards and gila monsters.
38 j. Fifty dollars for a member of the family
39 elapidae, voperidae, crotalidae, atractaspidae, or
40 hydrophidae which are venomous, including but not
41 limited to cobras, mambas, coral snakes, kraits,
42 adders, vipers, rattlesnakes, copperheads, pit vipers,
43 keelbacks, cottonmouths, and sea snakes.
44 k. One hundred dollars for a member of the
45 superfamily henophidia, which are limited to
46 reticulated pythons, anacondas, and African rock
47 pythons.
48 Sec. 9. NEW SECTION. 717F.9 DANGEROUS WILD
49 ANIMAL REGISTRATION FUND.
50 1. A dangerous wild animal registration fund is

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1 created in the state treasury under the control of the
2 department. The fund is composed of moneys
3 appropriated by the general assembly and moneys
4 available to and obtained or accepted by the
5 department from the United States or private sources
6 for placement in the fund. The fund shall include
7 moneys deposited into the fund from registration fees
8 collected by the department pursuant to section
9 717F.8.
10 2. Moneys in the dangerous wild animal
11 registration fund are appropriated to the department
12 exclusively to administer and enforce the provisions
13 of this chapter. The moneys shall not be transferred,
14 used, obligated, appropriated, or otherwise encumbered
15 except as provided in this subsection.
16 3. Section 8.33 shall not apply to moneys in the
17 dangerous wild animal registration fund.
18 Notwithstanding section 12C.7, moneys earned as income
19 or interest from the fund shall remain in the fund
20 until expended as provided in this section.
21 Sec. 10. NEW SECTION. 717F.10 ENFORCEMENT.
22 The department is the principal agency charged with
23 enforcing the provisions of this chapter. An animal
24 warden as defined in section 162.2, or an animal care
25 provider or law enforcement officer as defined in
26 section 717B.1, shall enforce this chapter as directed
27 by the department.

28 Sec. 11. NEW SECTION. 717F.11 CIVIL PENALTY.

29 A person owning or possessing a dangerous wild
30 animal who violates a provision of this chapter is
31 subject to a civil penalty of not less than two
32 hundred dollars and not more than two thousand dollars
33 for each dangerous wild animal involved in the
34 violation. Each day that a violation continues shall
35 be considered as a separate offense. The civil
36 penalties shall be deposited into the general fund of
37 the state.

38 Sec. 12. NEW SECTION. 717F.12 INJUNCTIVE RELIEF.

39 The courts of this state may prevent and restrain
40 violations of this chapter through the issuance of an
41 injunction. The attorney general or a county attorney
42 may institute suits on behalf of the state to prevent
43 and restrain violations of this chapter.

44 Sec. 13. NEW SECTION. 717F.13 CRIMINAL
45 PENALTIES.

46 A person who intentionally causes a dangerous wild
47 animal to escape in violation of this chapter is
48 guilty of an aggravated misdemeanor.

49 Sec. 14. INTENT OF THE GENERAL ASSEMBLY —
50 ELIMINATION OF FULL-TIME EQUIVALENT POSITIONS. It is

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1 the intent of the general assembly that any additional
2 full-time equivalent positions authorized to be filled
3 by the department of agriculture and land stewardship
4 relating to the regulation of persons required to
5 register with the department as a condition of owning
6 or possessing a dangerous wild animal pursuant to
7 section 717F.4, as enacted in this Act, be eliminated
8 once the regulation is no longer necessary."

Amendment [H-1574](#) was adopted, placing out of order amendment [H-1710](#) filed by Greiner of Washington on April 12, 2007.

[SENATE FILE 564](#) SUBSTITUTED FOR [HOUSE FILE 888](#)

T. Taylor of Linn asked and received unanimous consent to substitute [Senate File 564](#) for [House File 888](#).

[Senate File 564](#), a bill for an act regulating dangerous wild animals, including their ownership and possession, requiring registration, providing for fees and appropriations, and providing penalties, was taken up for consideration.

Greiner of Washington asked and received unanimous consent to withdraw amendment [H-1711](#) filed by her on April 12, 2007.

Whitaker of Van Buren asked and received unanimous consent to withdraw amendment [H-1744](#) filed by him on April 16, 2007.

Palmer of Mahaska offered the following amendment [H-1612](#) filed by him and moved its adoption:

[H-1612](#)

- 1 Amend [Senate File 564](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
 - 3 1. Page 2, line 2, by inserting after the word
 - 4 "dog" the following: "or fox".
 - 5 2. Page 3, line 14, by inserting after the word
 - 6 "wolf" the following: "or a domestic dog and a fox".
 - 7 3. By renumbering as necessary.

Amendment [H-1612](#) lost.

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

On the question "Shall the bill pass?" ([S.F. 564](#))

The ayes were, 80:

Abdul-Samad	Alons	Anderson	Bailey
Bell	Berry	Boal	Bukta
Clute	Cohoon	Dandekar	Davitt
Deyoe	Dolecheck	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heddens
Hoffman	Hunter	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, S.	Olson, T.	Petersen
Pettengill	Quirk	Raecker	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Upmeyer
Van Fossen	Watts	Wendt	Wenthe
Wessel-Kroeschell	Whitaker	Whitead	Wienczek

Winckler	Windschitl	Wise	Mr. Speaker Murphy
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The nays were, 19:

Arnold	Baudler	Chambers	De Boef
Drake	Forristall	Heaton	Horbach
Huseman	Lukan	Palmer	Paulsen
Rants	Rasmussen	Rayhons	Tjepkes
Tymeson	Van Engelenhoven	Worthan	

Absent or not voting, 1:

Zirkelbach

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

Unfinished Business Calendar

[Senate File 384](#), a bill for an act relating to statute of limitations provisions relating to minors and persons with mental illness and tort claims against a municipality and providing an applicability date, was taken up for consideration.

Swaim of Davis 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. 384](#))

The ayes were, 95:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Berry	Boal
Bukta	Chambers	Clute	Cohoon
Dandekar	Davitt	De Boef	Deyoe
Dolecheck	Drake	Foege	Ford
Forristall	Frevrt	Gaskill	Gayman
Gipp	Granzow	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	Jochum	Kaufmann	Kelley
Kressig	Kuhn	Lensing	Lukan
Lykam	May	McCarthy	Mertz
Miller, H.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Schickel	Schueller
Shomshor	Smith	Soderberg	Staed
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Wiencek	Winckler	Windschitl
Wise	Worthan	Mr. Speaker Murphy	

The nays were, 2:

Miller, L. Sands

Absent or not voting, 3:

Bell Mascher Zirkelbach

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2007, insisted on its amendment to [Senate File 277](#), a bill for an act relating to the state's educational standards regarding teacher librarians and qualified guidance counselors, and to teacher and administrator quality, including the student achievement and teacher quality program and an administrator quality program, making appropriations, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

CONFERENCE COMMITTEE APPOINTED ([Senate File 277](#))

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning [Senate File 277](#): Winckler of Scott, Chair; Wendt of Woodbury, Cohoon of Des Moines, May of Dickinson and Chambers of O'Brien.

Berry of Black Hawk in the chair at 5:26 p.m.

[Senate File 212](#), a bill for an act relating to the salary of deputy officers in certain county offices and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

Lykam of Scott offered the following amendment [H-1754](#) filed by him from the floor and moved its adoption:

[H-1754](#)

1 Amend [Senate File 212](#), as passed by the Senate, as
2 follows:

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

5 "Section 1. Section 331.606A, Code 2007, is
6 amended by striking the section and inserting in lieu
7 thereof the following:

8 331.606A DOCUMENT CONTENT – PERSONALLY
9 IDENTIFIABLE INFORMATION.

10 1. DEFINITIONS.

11 a. "Personally identifiable information" means one
12 or more of the following specific unique identifiers
13 when combined with an individual's name:

14 (1) Social security number.

15 (2) Checking, savings, or share account number,
16 credit, debit, or charge card number.

17 b. "Preparer" means the person or entity who
18 creates, drafts, edits, revises, or last changes the
19 documents that are recorded with the recorder.

20 c. "Redact" or "redaction" means the process of
21 removing personally identifiable information from
22 documents.

23 2. INCLUSION OF PERSONALLY IDENTIFIABLE
24 INFORMATION. The preparer of a document shall not
25 include an individual's personally identifiable
26 information in a document that is prepared and
27 presented for recording in the office of the recorder.
28 This subsection shall not apply to documents that were
29 executed by an individual prior to July 1, 2007.

30 Unless provided otherwise by law, all documents
31 described by this section are subject to inspection
32 and copying by the public.

33 3. REDACTION ON A RECORDER'S INTERNET WEBSITE. If
34 a document that includes an individual's personally
35 identifiable information was recorded with the
36 recorder and is available on the recorder's internet
37 website, the individual may request that the recorder
38 redact such information from the website. The
39 recorder shall establish a procedure by which
40 individuals may request that such personally

41 identifiable information be redacted from the internet
 42 record available on the recorder's internet website,
 43 at no fee to the requesting individual. The recorder
 44 shall comply with an individual's request to redact
 45 personally identifiable information.
 46 4. LIABILITY OF PREPARER. A preparer who, in
 47 violation of subsection 2, enters personally
 48 identifiable information in a document that is
 49 prepared and presented for recording is liable to the
 50 individual whose personally identifiable information

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1 appears in the recorded public document for actual
 2 damages of up to five hundred dollars for each act of
 3 recording.
 4 5. APPLICABILITY. This section shall not apply to
 5 a preparer of a state or federal tax lien, a military
 6 separation or discharge record, or a death certificate
 7 that is prepared for recording in the office of county
 8 recorder. If a military separation or discharge
 9 record or a death certificate is recorded in the
 10 office of the county recorder, the military separation
 11 or discharge record or the death certificate shall not
 12 be accessible through the internet."
 13 2. Title page, by striking lines 1 and 2 and
 14 inserting the following: "An Act relating to county
 15 offices, by protecting certain identity information
 16 contained in documents recorded with the county
 17 recorder and by increasing salary limits for certain
 18 deputy officers and providing an applicability date."
 19 3. By renumbering as necessary.

Amendment [H-1754](#) was adopted.

D. Olson of Boone 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. 212](#))

The ayes were, 96:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Boal	Bukta
Chambers	Clute	Cphoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Ford	Forristall
Frevert	Gaskill	Gayman	Gipp
Granzow	Grassley	Greiner	Heaton

Heddens	Hoffman	Horbach	Hunter
Huseman	Huser	Jacobs	Jacoby
Jochum	Kaufmann	Kelley	Kressig
Kuhn	Lensing	Lukan	Lykam
May	McCarthy	Mertz	Miller, H.
Miller, L.	Oldson	Olson, D.	Olson, R.
Olson, S.	Olson, T.	Palmer	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Smith	Soderberg
Staed	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen
Watts	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Wiencsek	Winckler
Windschitl	Wise	Worthan	Berry, Presiding

The nays were, none.

Absent or not voting, 4:

Bell	Mascher	Murphy, Spkr.	Zirkelbach
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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 MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 212, 384 and 564.**

[HOUSE FILE 888](#) WITHDRAWN

T. Taylor of Linn asked and received unanimous consent to withdraw [House File 888](#) from further consideration by the House.

[HOUSE FILE 538](#) WITHDRAWN

Whitead of Woodbury asked and received unanimous consent to withdraw [House File 538](#) from further consideration by the House.

Ways and Means Calendar

[Senate File 554](#), a bill for an act relating to franchises for the provision of cable service or video service including providing for fees

and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Speaker Murphy in the chair at 5:44 p.m.

Wise of Lee offered amendment [H-1598](#) filed by the committee on commerce as follows:

[H-1598](#)

1 Amend [Senate File 554](#), as amended, passed, and
2 reprinted by the Senate, as follows:

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

5 "____. "Franchise fee" means the fee imposed under
6 section 477A.7."

7 2. Page 2, line 1, by inserting after the word
8 "jurisdiction." the following: "Gross revenues are
9 limited to the following:

10 (1) Recurring charges for cable service or video
11 service.

12 (2) Event-based charges for cable service or video
13 service, including but not limited to pay-per-view and
14 video-on-demand charges.

15 (3) Rental of set-top boxes and other cable
16 service or video service equipment.

17 (4) Service charges related to the provision of
18 cable service or video service, including but not
19 limited to activation, installation, and repair
20 charges.

21 (5) Administrative charges related to the
22 provision of cable service or video service, including
23 but not limited to service order and service
24 termination charges.

25 (6) A pro rata portion of all revenue derived,
26 less refunds, rebates, or discounts, by a cable
27 service provider or a video service provider for
28 advertising over the cable service or video service
29 network to subscribers within the franchise area where
30 the numerator is the number of subscribers within the
31 franchise area, and the denominator is the total
32 number of subscribers reached by such advertising.
33 This subparagraph applies only to municipalities that
34 include this provision in their franchise agreements
35 as of January 1, 2007."

36 3. Page 2, lines 17 and 18, by striking the words
37 "revenue received in connection with advertising".

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

40 "(14) Late payment charges.
41 (15) Maintenance charges."
42 5. Page 3, line 28, by striking the word "July"
43 and inserting the following: "January".
44 6. Page 3, by inserting after line 28 the
45 following:
46 "____. "Institutional network" means the system of
47 dedicated fibers, coaxial cables, or wires constructed
48 and maintained by an incumbent cable provider which is
49 reserved and dedicated by the municipality for
50 noncommercial purposes."

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1 7. Page 3, by striking lines 33 through 35 and
2 inserting the following: "greater than five percent.
3 However, if the incumbent cable provider is a".
4 8. Page 5, line 27, by inserting after the word
5 "area" the following: ", and to the incumbent cable
6 provider,".
7 9. Page 5, lines 31 and 32, by striking the words
8 "offers or intends to" and inserting the following:
9 "will".
10 10. Page 5, line 33, by inserting after the word
11 "municipality" the following: ", and shall not
12 provide service without having provided such thirty
13 days' notice".
14 11. Page 6, by striking lines 6 through 18 and
15 inserting the following:
16 "6. If a competitive cable service provider or a
17 competitive video service provider receives a
18 certificate of franchise authority to operate within a
19 municipality, the incumbent cable provider may, at its
20 discretion, apply for a certificate of franchise
21 authority for that same municipality. Such
22 application shall be automatically granted on the same
23 day as a competitive cable service provider or
24 competitive video service provider files a thirty
25 days' notice of offering service as required pursuant
26 to subsection 4. The franchise agreement with the
27 municipality is terminated on the date the board
28 issues the certificate of franchise authority to an
29 incumbent cable provider. The terms and conditions of
30 the certificate of franchise authority shall be the
31 same as the terms and conditions of a competitive
32 cable service provider or a competitive video service
33 provider pursuant to this chapter and shall replace
34 the terms and conditions of the franchise agreement
35 previously granted by the municipality."
36 12. Page 6, line 34, by inserting after the words
37 "laws and" the following: "nondiscriminatory".
38 13. Page 8, by striking lines 3 through 11 and

39 inserting the following:

40 "4. A certificate of franchise authority issued by
41 the board is fully transferable to any successor of
42 the applicant to which the certificate was initially
43 issued. A notice of transfer shall be filed by the
44 holder of the certificate of franchise authority with
45 the board and the affected municipality and shall be
46 effective fourteen business days after submission.
47 The notice of transfer shall include the address of
48 the successor's principal place of business and the
49 names of the successor's principal executive officers.
50 The successor shall assume all regulatory rights and

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1 responsibilities of the holder of the certificate.
2 Neither the board nor an affected municipality shall
3 have authority to review or require approval of such
4 transfer."

5 14. Page 10, line 15, by inserting after the word
6 "services." the following: "At its election the
7 municipality may reasonably request any cable service
8 provider or video service provider to make any
9 necessary change to the form of any programming,
10 furnished for transmission, which shall be charged to
11 the municipality, not to exceed the provider's
12 incremental costs. The municipality shall have up to
13 twelve months to reimburse the cable service provider
14 or video service provider."

15 15. Page 11, by striking lines 20 through 26 and
16 inserting the following:

17 "b. All cable service providers and video service
18 providers shall pay a franchise fee at the same
19 percent of gross revenues as had been assessed on the
20 incumbent cable provider by the municipality as of
21 January 1, 2007, and such percentage shall continue to
22 apply for the period of the remaining term of the
23 existing franchise agreement with the municipality.
24 Upon expiration of the period of the remaining term of
25 the agreement with the incumbent cable service
26 provider, a municipality may request an increase in
27 the franchise fee up to five percent of gross
28 revenues."

29 16. Page 12, line 5, by striking the word "eight"
30 and inserting the following: "five".

31 17. Page 12, by striking lines 12 through 29.

32 18. Page 12, line 35, by inserting after the word
33 "municipality" the following: ", even if the
34 incumbent cable provider elects to convert to a
35 certificate of franchise authority pursuant to section
36 477A.2".

37 19. Page 13, by striking lines 3 through 14 and

38 inserting the following:

39 "4. a. If an incumbent cable provider is required
40 by a franchise agreement as of January 1, 2007, to
41 provide institutional network capacity to a
42 municipality for use by the municipality for
43 noncommercial purposes, the incumbent cable provider
44 and any subsequent holder of a certificate of
45 franchise authority shall provide support only for the
46 existing institutional network on a pro rata basis per
47 customer. Any financial support provided for an
48 institutional network shall be limited to ongoing
49 maintenance and support of the existing institutional
50 network. This subsection shall be applicable only to

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1 a cable service provider's or video service provider's
2 first certificate of franchise authority issued under
3 this chapter, and shall not apply to any subsequent
4 renewals. For the purposes of this subsection,
5 maintenance and support shall only include the
6 reasonable incremental cost of moves, changes, and
7 restoring connectivity of the fiber or coaxial cable
8 lines up to a demarcation point at the building.
9 b. For purposes of this subsection, the number of
10 customers of a cable service provider or video service
11 provider shall be determined based on the relative
12 number of subscribers in that municipality at the end
13 of the prior calendar year as reported to the
14 municipality by all incumbent cable providers and
15 holders of a certificate of franchise authority. Any
16 records showing the number of subscribers shall be
17 considered confidential records pursuant to section
18 22.7. The incumbent cable provider shall provide to
19 the municipality, on an annual basis, the maintenance
20 and support costs of the institutional network,
21 subject to an independent audit. A municipality
22 acting under this subsection shall notify and present
23 a bill to competitive cable service providers or
24 competitive video service providers for the amount of
25 such support on an annual basis, beginning one year
26 after issuance of the certificate of franchise
27 authority. The annual institutional network support
28 shall be due and paid by the providers to the
29 municipality in four quarterly payments, not later
30 than forty-five days after the close of each quarter.
31 The municipality shall reimburse the incumbent cable
32 provider for the amounts received from competitive
33 cable service providers or competitive video service
34 providers.
35 c. This subsection shall not apply if the
36 incumbent cable service provider is a municipal

37 utility providing telecommunications services under
38 section 388.10."

39 20. Page 13, by inserting before line 15 the
40 following:

41 "5. A franchise fee may be assessed or imposed by
42 a municipality without regard to the municipality's
43 cost of inspecting, supervising, or otherwise
44 regulating the franchise, and the fees collected may
45 be credited to the municipality's general fund and
46 used for municipal general fund purposes.

47 6. To the extent that any amount of franchise fees
48 assessed by and paid to a municipality prior to the
49 effective date of this Act, pursuant to a franchise
50 agreement between a municipality and any person to

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1 erect, maintain, and operate plants and systems for
2 cable television, exceeds the municipality's
3 reasonable costs of inspecting, supervising, or
4 otherwise regulating the franchise, such amount is
5 deemed and declared to be authorized and legally
6 assessed by and paid to the municipality."

7 21. Page 14, line 24, by striking the words "four
8 thousand" and inserting the following: "two thousand
9 five hundred".

10 22. Page 15, by inserting after line 14 the
11 following:

12 "Sec.____. FRANCHISES FOR PROVISION OF CABLE
13 SERVICE OR VIDEO SERVICE – SEVERABILITY. If any
14 provision of this Act, or its application thereof to
15 any person or circumstance is held invalid, the
16 invalidity shall not affect other provisions or
17 applications of this Act which can be given effect
18 without the invalid provision or application, and to
19 this end the provisions of this Act are severable as
20 provided in section 4.12."

21 23. By renumbering, redesignating, and correcting
22 internal references as necessary.

Berry of Black Hawk in the chair at 5:49 p.m.

Jacoby of Johnson offered the following amendment [H-1743](#), to the
committee amendment [H-1598](#), filed by him and moved its adoption:

[H-1743](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 33 through 35.

Amendment [H-1743](#) lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment [H-1741](#), to the committee amendment [H-1598](#), filed by him on April 16, 2007.

Wise of Lee offered the following amendment [H-1730](#), to the committee amendment [H-1598](#), filed by him and moved its adoption:

[H-1730](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 2, line 17, by striking the word
5 "receives" and inserting the following: "applies
6 for".

Amendment [H-1730](#) was adopted.

Mascher of Johnson asked and received unanimous consent that amendment [H-1726](#) be deferred.

Jacoby of Johnson offered the following amendment [H-1666](#), to the committee amendment [H-1598](#), filed by him and moved its adoption:

[H-1666](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, by striking lines 5 through 14 and
5 inserting the following:
6 "____. Page 9, line 30, by striking the figure
7 "a."
8 _____. Page 10, by striking lines 2 through 35 and
9 inserting the following:
10 "2. A competitive cable service provider or
11 competitive video service provider that is a holder of
12 a certificate of franchise authority and an incumbent
13 cable provider shall take all actions necessary to
14 interconnect the cable or video communications network
15 systems of the certificate holder and incumbent cable
16 provider for the purpose of providing public,
17 educational, and governmental programming. A
18 competitive cable service provider or competitive
19 video service provider shall perform any required

20 signal or format conversion necessary to carry public,
21 educational, or governmental programming that
22 originates on the incumbent cable provider's cable
23 system. An incumbent cable provider shall perform any
24 required signal or format conversion necessary to
25 carry public, educational, or governmental programming
26 that originates on the competitive provider's cable or
27 video system. Interconnection may be accomplished by
28 direct cable, microwave link, satellite, or other
29 reasonable method of connection. Neither an incumbent
30 cable provider nor a competitive cable service
31 provider or competitive video service provider shall
32 withhold interconnection of public, educational, or
33 governmental channels.""

Amendment [H-1666](#) lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment [H-1742](#), to the committee amendment [H-1598](#), filed by him on April 16, 2007.

Kressig of Black Hawk offered the following amendment [H-1748](#), to the committee amendment [H-1598](#), filed by him from the floor and moved its adoption:

[H-1748](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 3, line 20, by inserting after the words
5 "as of" the following: "or at anytime prior to".
6 2. Page 3, line 26, by inserting after the word
7 "provider," the following: "or if an incumbent cable
8 provider applies for a certificate of franchise
9 authority pursuant to section 477A.2, subsection 6,".

Amendment [H-1748](#) lost.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment [H-1672](#), to the committee amendment [H-1598](#), filed by him on April 11, 2007.

Jochum of Dubuque offered amendment [H-1736](#), to the committee amendment [H-1598](#), filed by her as follows:

[H-1736](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 5, by striking lines 7 through 9 and
5 inserting the following:
6 "____. Page 14, by striking lines 14 through 35
7 and inserting the following:
8 "3. A cable service provider or video service
9 provider operating under a certificate of franchise
10 authority that is using a cable system to provide
11 cable services or that is using telecommunication
12 facilities to provide video services shall, commencing
13 five years after initially obtaining a certificate of
14 franchise authority, and every three years thereafter,
15 increase by twenty percent the number of households in
16 any municipality in its franchise service area to
17 which it offers cable service or video service by the
18 beginning of the next three-year period, if it has in
19 the preceding three-year period offered cable service
20 or video service to at least fifteen percent of the
21 households in the municipality, until such cable
22 service provider or video service provider is capable
23 of providing cable service or video service to all
24 households in the municipality."

Wise of Lee rose on a point of order that amendment [H-1736](#) was not germane, to amendment [H-1598](#).

The Speaker ruled the point well taken and amendment [H-1736](#) not germane, to amendment [H-1598](#).

Mascher of Johnson offered the following amendment [H-1726](#), previously deferred, to the committee amendment [H-1598](#), filed by her and moved its adoption:

[H-1726](#)

1 Amend the amendment, [H-1598](#), to [Senate File 554](#), as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 2, by striking lines 16 through 35 and
5 inserting the following:
6 "6. If a competitive cable service provider or a
7 competitive video service provider has obtained a
8 certificate of franchise authority to operate within a
9 municipality, and has offered cable or video service
10 to at least fifteen percent of the households in that

11 municipality, an incumbent cable provider in that
12 municipality may apply for a certificate of franchise
13 authority for that municipality."''

A non-record roll call was requested.

The ayes were 25, nays 53.

Amendment [H-1726](#) lost.

On motion by Wise of Lee the committee amendment [H-1598](#) was adopted.

Ford of Polk asked and received unanimous consent to withdraw amendment [H-1762](#) filed by him from the floor.

Kaufmann of Cedar offered amendment [H-1667](#) filed by him as follows:

[H-1667](#)

1 Amend [Senate File 554](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by inserting after line 5 the
4 following:
5 "Sec. _____. Section 422.33, Code 2007, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 24. a. The taxes imposed under
8 this division shall be reduced by a public,
9 educational, and governmental access channel equipment
10 donation tax credit. The holder of a franchise
11 granted pursuant to chapter 477A for the construction
12 or operation of a cable system or video service
13 provider's network is eligible to receive a public,
14 educational, and governmental access channel equipment
15 donation tax credit in an amount equivalent to the
16 value of equipment donated to a municipality for
17 public, educational, and governmental access channel
18 programming, not to exceed ten thousand dollars.
19 b. If a holder of a franchise elects to take the
20 public, educational, and governmental access channel
21 equipment donation tax credit, the holder shall not
22 deduct for Iowa tax purposes any amount of equipment
23 donated which is deductible for federal tax purposes,
24 and a deduction pursuant to section 170 of the
25 Internal Revenue Code shall not be allowed for the
26 amount of the donation.
27 c. Any credit in excess of the tax liability is

28 not refundable but the excess for the tax year may be
 29 credited to the tax liability for the following five
 30 tax years or until depleted, whichever is the
 31 earlier."

32 2. Page 15, line 15, by inserting after the word
 33 "EFFECTIVE" the following: "AND APPLICABILITY".

34 3. Page 15, line 16, by inserting after the word
 35 "enactment." the following: "The section of this Act
 36 establishing a public, educational, and governmental
 37 access channel equipment donation tax credit is
 38 retroactively applicable to tax years beginning on or
 39 after January 1, 2007."

40 4. Title page, line 2, by inserting after the
 41 word "fees" the following: ", providing a tax credit
 42 for specified donations of equipment,".

43 5. Title page, line 5, by inserting after the
 44 word "effective" the following: "and applicability".

Wise of Lee rose on a point of order that amendment [H-1667](#) was not germane, to amendment [H-1598](#).

The Speaker ruled the point well taken and amendment [H-1667](#) not germane.

Pettengill of Benton offered amendment [H-1732](#) filed by her as follows:

[H-1732](#)

1 Amend [Senate File 554](#), as amended, passed, and
 2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 5 the
 4 following:

5 "Sec.____. Section 476.55, subsection 2, Code
 6 2007, is amended by striking the subsection."

7 2. Page 14, by inserting after line 35 the
 8 following:

9 "4. A cable service provider or video service
 10 provider shall not engage in unlawful discrimination
 11 in relation to the establishment of rates.

12 a. A cable service provider or video service
 13 provider shall be prohibited from subsidizing its
 14 lower rate offerings with rates paid by customers in
 15 higher rate exchange areas. Any person who provides
 16 cable service pursuant to a franchise granted under
 17 this chapter shall be prohibited from selling such
 18 service or a bundle of services that includes cable
 19 service or video services at a price that is more than
 20 two hundred percent of the lowest price that provider

21 charges for a functionally equivalent service or
22 bundle of services to another customer in this state.
23 A cable service provider or video service provider
24 that offers a price to a customer in the franchised
25 area in violation of this subsection shall be deemed
26 to have engaged in predatory pricing. If the lowest
27 price meets a bona fide price offered to a customer in
28 the franchised area by an unrelated or unaffiliated
29 competitor, such price shall not be used to determine
30 a violation of this subsection.

31 b. A cable service provider or video service
32 provider found by a court of competent jurisdiction to
33 have failed to materially comply with this subsection
34 shall be subject to the following:

35 (1) An injunction ordering compliance with this
36 subsection.

37 (2) For each franchised area in which a violation
38 occurs, a civil penalty in an amount not exceeding ten
39 thousand dollars.

40 c. If the court finds that the noncompliance with
41 this subsection has resulted in a loss of customers to
42 a competitive provider, the injured provider may bring
43 a civil action on behalf of the customer or customers
44 seeking recovery of damages.

45 d. If the court finds that noncompliance with this
46 subsection has resulted in a loss of customers to a
47 competitive cable service provider or competitive
48 video service provider, the injured competitive cable
49 service provider or competitive video service provider
50 may bring a civil action to recover the consequential

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1 damages of economic loss suffered by the injured
2 provider as a result of the loss of customers who
3 changed to a noncompliant competitive cable service
4 provider or noncompliant competitive video service
5 provider while that noncompliant provider was in
6 violation of this subsection."

7 3. Page 15, by inserting after line 14 the
8 following:

9 "Sec. ___, **NEW SECTION**, 551.1A. UNFAIR
10 DISCRIMINATION IN LOCAL EXCHANGE RATES.

11 1. A telecommunications provider holding a
12 certificate of public convenience and necessity for
13 providing local telecommunications services under
14 section 476.29 and offering local exchange services in
15 this state shall be prohibited from selling such
16 services or a bundle of services including such
17 services at a price that is more than two hundred
18 percent of the lowest price that provider charges for
19 functionally equivalent services or a bundle of

20 services including equivalent services to another
21 customer in this state. A telecommunications provider
22 that offers a price to a customer in violation of this
23 subsection shall be deemed to have engaged in
24 predatory pricing. If the lowest price meets a bona
25 fide price offered to a customer in the local exchange
26 by an unrelated or unaffiliated competitor, such price
27 shall not be used to determine a violation of this
28 subsection.

29 2. A telecommunications provider found by a court
30 of competent jurisdiction to have failed to materially
31 comply with this section shall be subject to the
32 following:

33 a. An injunction ordering compliance with this
34 section.

35 b. For each franchised area in which a violation
36 occurs, a civil penalty in an amount not exceeding ten
37 thousand dollars.

38 3. If the court finds that the noncompliance with
39 this section has resulted in a loss or damage to a
40 customer, a person or class of persons may bring a
41 civil action on behalf of the customer or customers
42 seeking recovery of damages.

43 4. If the court finds that noncompliance with this
44 section has resulted in a loss of customers to a
45 competitive telecommunications service provider, the
46 injured telecommunications service provider may bring
47 a civil action to recover the consequential damages of
48 economic loss suffered by the injured provider as a
49 result of the loss of customers who changed to a
50 noncompliant telecommunications service provider while

Page 3

1 that noncompliant provider was in violation of this
2 section."

3 4. By renumbering as necessary.

Wise of Lee rose on a point of order that amendment [H-1732](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1732](#) not germane.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-1764](#) filed by her from the floor.

Jacoby of Johnson offered amendment [H-1740](#) filed by him as follows:

Division was requested as follows:

[H-1740](#)

1 Amend [Senate File 554](#), as amended, passed, and
2 reprinted by the Senate, as follows:

[H-1740A](#)

3 1. Page 13, line 18, by inserting after the
4 figure "76.309" the following: ", and shall maintain
5 a local or toll-free telephone number for customer
6 service contact".

[H-1740B](#)

7 2. Page 13, by striking lines 23 through 27 and
8 inserting the following: "resolved through this
9 informal process, a municipality or a customer may, as
10 an exclusive and final remedy, request a confidential
11 binding arbitration by an arbitrator selected by the
12 parties, with the costs of arbitration assessed as
13 determined by the arbitrator."

On motion by Jacoby of Johnson, amendment [H-1740A](#) was adopted.

Jacoby of Johnson asked and received unanimous consent to withdraw amendment [H-1740B](#).

Kelley of Black Hawk asked and received unanimous consent to withdraw amendment [H-1731](#) filed by her on April 16, 2007.

Wise of Lee 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. 554](#))

The ayes were, 78:

Abdul-Samad	Alons	Arnold	Bailey
Bell	Berry	Boal	Bukta
Chambers	Clute	Cphoon	Dandekar
Davitt	De Boef	Deyoe	Dolecheck
Drake	Foege	Forristall	Frevert
Gaskill	Gayman	Gipp	Granzow

Grassley	Heaton	Heddens	Hoffman
Hunter	Huseman	Huser	Jacobs
Kaufmann	Kuhn	Lukan	Lykam
May	McCarthy	Miller, H.	Miller, L.
Oldson	Olson, D.	Olson, R.	Olson, S.
Palmer	Paulsen	Petersen	Quirk
Raecker	Rants	Rayhons	Reasoner
Reichert	Roberts	Schickel	Shomshor
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wendt	Wenthe
Whitaker	Whitead	Windschitl	Wise
Worthan	Mr. Speaker Murphy		

The nays were, 19:

Anderson	Baudler	Greiner	Jacoby
Jochum	Kelley	Kressig	Lensing
Mascher	Mertz	Olson, T.	Pettengill
Rasmussen	Sands	Schueller	Staed
Wessel-Kroeschell	Wiencek	Winckler	

Absent or not voting, 2:

Ford	Zirkelbach
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Under the provision of Rule 76, conflict of interest, Horbach of Tama refrained from voting.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 17, 2007, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 414](#), a bill for an act concerning the licensure, operation, and taxation of card game tournaments by organizations representing veterans and allowable prizes at annual game nights by certain qualified organizations and making penalties applicable.

Also: that the Senate has on April 17, 2007, passed the following bill in which the concurrence of the House is asked:

[Senate File 585](#), a bill for an act relating to registration of construction contractors.

MICHAEL E. MARSHALL, Secretary

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 554](#) be immediately messaged to the Senate.

Appropriations Calendar

[Senate File 562](#), a bill for an act relating to and making appropriations to the department of cultural affairs, the department of economic development, certain board of regents institutions, the department of workforce development, the Iowa finance authority, and the public employment relations board, and related matters, with report of committee recommending passage, was taken up for consideration.

H. Miller of Webster in the chair at 8:10 p.m.

Struyk of Pottawattamie asked and received unanimous consent that amendment [H-1750](#) be deferred.

Paulsen of Linn offered the following amendment [H-1763](#) filed by him from the floor and moved its adoption:

[H-1763](#)

- 1 Amend [Senate File 562](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 12, by striking lines 13 and 14 and
- 4 inserting the following: "additional safety
- 5 consultants within the consultation division of the
- 6 division of labor services."

Speaker Murphy in the chair at 8:18 p.m.

Roll call was requested by Paulsen of Linn and Rants of Woodbury.

On the question "Shall amendment [H-1763](#) be adopted?" ([S.F. 562](#))

The ayes were, 46:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Hoffman	Horbach	Huseman	Jacobs
Kaufmann	Lukan	May	Miller, L.
Olson, S.	Paulsen	Raecker	Rants
Rasmussen	Rayhons	Roberts	Sands
Schickel	Soderberg	Struyk	Taylor, D.
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wienczek
Windschitl	Worthan		

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Ford	Frevert	Gaskill
Gayman	Heaton	Heddens	Hunter
Huser	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller, H.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Smith	Staed	Swaim	Taylor, T.
Thomas	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Murphy			

Absent or not voting, 1:

Zirkelbach

Amendment [H-1763](#) lost.

Watts of Dallas offered amendment [H-1747](#) filed by him from the floor as follows:

[H-1747](#)

- 1 Amend [Senate File 562](#), as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 15, by inserting after line 6 the
- 4 following:
- 5 "Sec.____. Section 15G.110, Code 2007, is amended
- 6 to read as follows:
- 7 15G.110 APPROPRIATION.
- 8 For the fiscal period beginning July 1, 2005, and

9 ending June 30, ~~2015~~ 2007, there is appropriated to
10 the department of economic development each fiscal
11 year fifty million dollars from the general fund of
12 the state for deposit in the grow Iowa values fund.
13 For the fiscal period beginning July 1, 2007, and
14 ending June 30, 2015, there is appropriated to the
15 department of economic development each fiscal year
16 seventy-five million dollars from the general fund of
17 the state for deposit in the grow Iowa values fund.
18 Sec. ____ Section 15G.111, Code 2007, is amended
19 by adding the following new subsection:
20 NEW SUBSECTION. 7A. For the fiscal period
21 beginning July 1, 2007, and ending June 30, 2015,
22 there is appropriated each fiscal year from the grow
23 Iowa values fund created in section 15G.108 to the
24 department of economic development twenty-five million
25 dollars for deposit in the Iowa power fund, if enacted
26 to be used by the office of energy independence, if
27 enacted. Moneys appropriated under this subsection
28 shall be used to further the goals of increasing the
29 development, production, and use of biofuels and other
30 sources of renewable energy, improve energy
31 efficiency, and shall encourage and provide for
32 research, development, commercialization, and the
33 implementation of energy technologies and practices.
34 The technologies and practices should reduce this
35 state's dependence on foreign sources of energy and
36 finite fossil fuels, and other environmental impacts,
37 and meet the demand for energy services in an
38 economically viable manner. The research,
39 development, commercialization, implementation, and
40 distribution of such technologies and practices are
41 intended to sustain the environment and develop
42 business in this state as Iowans market these
43 technologies and practices to the world."
44 2. By renumbering as necessary.

Dandekar of Linn rose on a point of order that amendment [H-1747](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1747](#) not germane.

Watts of Dallas asked for unanimous consent to suspend the rules to consider amendment [H-1747](#).

Objection was raised.

Watts of Dallas moved to suspend the rules to consider amendment [H-1747](#).

Roll call was requested by Rants of Woodbury and Paulsen of Linn.

On the question "Shall the rules be suspended to consider amendment [H-1747?](#)" ([S.F. 562](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Taylor, D.	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen	Watts	Wiencek
Worthan			

The nays were, 52:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt
Foege	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, T.	Thomas	Tomenga
Wendt	Wenthe	Wessel-Kroeschell	Whitaker
Whitead	Winckler	Wise	Mr. Speaker Murphy

Absent or not voting, 3:

Ford	Windschitl	Zirkelbach
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The motion to suspend the rules lost.

Alons of Sioux offered amendment [H-1752](#) filed by him, Baudler of Adair, Chambers of O'Brien, De Boef of Keokuk, Drake of Pottawattamie, Forristall of Pottawattamie, Huseman of Cherokee, May of Dickinson, Roberts of Carroll, Van Fossen of Scott, Watts of Dallas and Worthan of Buena Vista from the floor as follows:

[H-1752](#)

1 Amend [Senate File 562](#), as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 15, by inserting after line 6 the
4 following:

5 "Sec. 500. Section 422.7, Code 2007, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 50. Subtract the capital gain
8 from the following:

9 a. The sale of an equity investment in a business
10 if all of the following requirements are met:

11 (1) The equity investment is held for a period of
12 thirty-six months or more from the date of
13 acquisition.

14 (2) A credit is not claimed on the investment
15 under section 15E.66, 422.11F, or 422.11G.

16 (3) The deduction under this paragraph "a" is in
17 lieu of any deduction under section 1202 of the
18 Internal Revenue Code.

19 b. If the adjusted gross income computed for
20 federal income tax purposes includes income or loss
21 from a business operated by the taxpayer, the sale of
22 a building, land, or machinery and equipment used in
23 the operation of the business if the building, land,
24 or machinery and equipment are held for a period of
25 thirty-six months or more from the date of
26 acquisition.

27 An individual may claim the capital gain deduction
28 of a partnership, S corporation, limited liability
29 company, estate, or trust electing to have the income
30 taxed directly to the individual. The amount claimed
31 by the individual shall be based upon the pro rata
32 share of the individual's earnings of a partnership, S
33 corporation, limited liability company, estate, or
34 trust.

35 Sec. 501. Section 422.35, Code 2007, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 23. Subtract the capital gain
38 from the following:

39 a. The sale of an equity investment in a business
40 if all of the following requirements are met:

41 (1) The equity investment is held for a period of
42 thirty-six months or more from the date of
43 acquisition.

44 (2) A credit is not claimed on the investment
45 under section 15E.66 or section 422.33, subsection 12
46 or 13.

47 b. The sale of a building, land, or machinery and
48 equipment used in the operation of the business if the
49 building, land, or machinery and equipment are held
50 for a period of thirty-six months or more from the

Page 2

- 1 date of acquisition."
 2 2. Page 17, by inserting after line 7 the
 3 following:
 4 "Sec.____. APPLICABILITY DATE. Sections 500 and
 5 501 of this Act apply retroactively to capital
 6 investments made in or by businesses on or after
 7 January 1, 2007, for tax years ending after that
 8 date."
 9 3. Title page, line 5, by inserting after the
 10 word "matters" the following: "and including a
 11 retroactive applicability date provision".
 12 4. By renumbering as necessary.

Dandekar of Linn rose on a point of order that amendment [H-1752](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1752](#) not germane.

Alons of Sioux moved to suspend the rules to consider amendment [H-1752](#).

Roll call was requested by Rants of Woodbury and Alons of Sioux.

On the question "Shall the rules be suspended to consider amendment [H-1752](#)?" ([S.F. 562](#))

The ayes were, 45:

Alons	Anderson	Arnold	Baudler
Boal	Chambers	Clute	De Boef
Deyoe	Dolecheck	Drake	Forristall
Gipp	Granzow	Grassley	Greiner
Heaton	Hoffman	Horbach	Huseman
Jacobs	Kaufmann	Lukan	May
Miller, L.	Olson, S.	Paulsen	Raecker
Rants	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen	Watts	Wienczek	Windschitl
Worthan			

The nays were, 53:

Abdul-Samad	Bailey	Bell	Berry
Bukta	Cohoon	Dandekar	Davitt

Foege	Frevert	Gaskill	Gayman
Heddens	Hunter	Huser	Jacoby
Jochum	Kelley	Kressig	Kuhn
Lensing	Lykam	Mascher	McCarthy
Mertz	Miller, H.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schueller	Shomshor	Smith	Staed
Swaim	Taylor, D.	Taylor, T.	Thomas
Tomenga	Wendt	Wenthe	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Mr. Speaker			
Murphy			

Absent or not voting, 2:

Ford	Zirkelbach
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The motion to suspend the rules lost.

Rants of Woodbury asked and received unanimous consent to withdraw amendment [H-1751](#) filed by him from the floor.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment [H-1750](#), previously deferred, filed by him from the floor.

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

On the question “Shall the bill pass?” ([S.F. 562](#))

The ayes were, 64:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	De Boef	Foege
Ford	Forristall	Frevert	Gaskill
Gayman	Heddens	Hoffman	Hunter
Huser	Jacoby	Jochum	Kelley
Kressig	Kuhn	Lensing	Lykam
Mascher	May	McCarthy	Mertz
Miller, H.	Miller, L.	Oldson	Olson, D.
Olson, R.	Olson, T.	Palmer	Petersen
Pettengill	Quirk	Reasoner	Reichert
Schickel	Schueller	Shomshor	Smith
Staed	Swaim	Taylor, D.	Taylor, T.

Thomas	Tomenga	Van Engelenhoven	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Wise	Mr. Speaker Murphy

The nays were, 35:

Alons	Arnold	Baudler	Boal
Chambers	Deyoe	Dolecheck	Drake
Gipp	Granzow	Grassley	Greiner
Heaton	Horbach	Huseman	Jacobs
Kaufmann	Lukan	Olson, S.	Paulsen
Raecker	Rants	Rasmussen	Rayhons
Roberts	Sands	Soderberg	Struyk
Tjepkes	Tymeson	Upmeyer	Van Fossen
Watts	Windschitl	Worthan	

Absent or not voting, 1:

Zirkelbach

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

INTRODUCTION OF BILL

[House File 911](#), by committee on appropriations, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the technology reinvestment fund, and related matters, and providing an effective date.

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

SENATE MESSAGE CONSIDERED

[Senate File 585](#), by committee on ways and means, a bill for an act relating to registration of construction contractors.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 562](#) be immediately messaged to the Senate.

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 17 day of April, 2007: House Files 590, 787 and 826.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 17, 2007, he approved and transmitted to the Secretary of State the following bills:

[House File 158](#), an Act relating to a requirement that children receive a blood lead test by age six or prior to enrollment in an elementary school.

[House File 413](#), an Act relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the General Assembly, establishing a filing deadline for all statements and reports, providing a penalty, and providing applicability dates.

[House File 585](#), an Act relating to the selection of board members by area agencies on aging.

[House File 765](#), an Act relating to animal feeding operations, by providing for the enforcement of regulatory provisions.

[House File 774](#), an Act relating to mechanics' liens.

[House File 846](#), an Act providing for an Iowa farmers' market nutrition program.

[Senate File 137](#), an Act providing for the registration of associate real estate appraisers, prohibiting improper influence over an appraiser's evaluation opinion, and imposing a penalty.

[Senate File 205](#), an Act relating to the use of moneys in the Iowa cultural trust grant account by the board of trustees of the Iowa cultural trust.

[Senate File 270](#), an Act relating to the military code by amending the powers of the adjutant general and by allowing the armory board to enter into design-build contracts for the construction of certain national guard facilities.

[Senate File 354](#), an Act relating to certain overpayments of moneys to a county.

[Senate File 444](#), an Act relating to councils of governments by designating a new council of governments area.

[Senate File 448](#), an Act relating to confidential information regarding unemployment insurance benefits and providing penalties.

[Senate File 479](#), an Act making changes to the time frames and the duties of the legislative services agency concerning the process of congressional and legislative redistricting.

CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD
Chief Clerk of the House

- | | |
|-----------|---|
| 2007\2902 | Marion and Wilma Jasper, Sioux Center – For celebrating their 65 th wedding anniversary. |
| 2007\2903 | John and Nancy Lee Siebenmann, Cedar Rapids – For celebrating their 50 th wedding anniversary. |
| 2007\2904 | Hazel L. Hickman, Marshalltown – For celebrating her 82 nd birthday. |
| 2007\2905 | William Ehrenreich Reiser, Marshalltown – For celebrating his 80 th birthday. |
| 2007\2906 | Ruby Dolores See, Marshalltown – For celebrating her 76 th birthday. |
| 2007\2907 | Joe and Lucille Cookman, Mason City – For celebrating their 60 th wedding anniversary. |
| 2007\2908 | Marcus and Eunice Connelly, Mason City – For celebrating their 65 th wedding anniversary. |
| 2007\2909 | Robert “Gunner” Berry, Mason City – For celebrating his 80 th birthday. |
| 2007\2910 | Mr. and Mrs. Vaughn Escher, Mason City – For celebrating their 60 th wedding anniversary. |
| 2007\2911 | Merlyn and Geneva Ulrich, Mason City – For celebrating their 60 th wedding anniversary. |

- 2007\2912 Ruth Abrams, Mason City – For celebrating her 80th birthday.
- 2007\2913 Eva Danner, Mason City – For celebrating her 80th birthday.
- 2007\2914 Jack Huffman, Iowa Falls – For celebrating his 90th birthday.
- 2007\2915 Dale and Charlene Keil, Independence – For celebrating their 50th wedding anniversary.
- 2007\2916 Lawrence and Genevieve Sadler, Dunkerton – For celebrating their 60th wedding anniversary.
- 2007\2917 William and Carole Conrad, Washburn – For celebrating their 50th wedding anniversary.
- 2007\2918 Pat Thompson, Mason City – For celebrating her 75th birthday.
- 2007\2919 Jerry and Charlotte Hamilton, Letts – For celebrating their 50th wedding anniversary.
- 2007\2920 Joe and Lois Wiegand, Burlington – For celebrating their 60th wedding anniversary.
- 2007\2921 Sara Sullivan, Iowa City – For being named Teacher of the Year.
- 2007\2922 Betty Weaver, Hampton – For celebrating her 80th birthday.
- 2007\2923 Bea Becker, Sheffield – For celebrating her 80th birthday.
- 2007\2924 Jean Ostendorf, Klemme – For celebrating her 80th birthday.
- 2007\2925 Charles and Irene Selensky, Dubuque – For celebrating their 50th wedding anniversary.
- 2007\2926 Jerry and Janine Koch, Dubuque – For celebrating their 50th wedding anniversary.
- 2007\2927 Mel and Dorothy McFarlane, Madrid – For celebrating their 60th wedding anniversary.
- 2007\2928 Lillian L. Buffett, Marshalltown – For celebrating her 89th birthday.
- 2007\2929 Virginia May Davis, Marshalltown – For celebrating her 82nd birthday.
- 2007\2930 Avis Fern Gummert, Marshalltown – For celebrating her 91st birthday.
- 2007\2931 Hazel E. Hauser, Marshalltown – For celebrating her 84th birthday.
- 2007\2932 Walter Herbert Horn, Marshalltown – For celebrating his 88th birthday.

- 2007\2933 Kathleen F. Luse, Marshalltown – For celebrating her 77th birthday.
- 2007\2934 M. Esther Miller, Marshalltown – For celebrating her 80th birthday.
- 2007\2935 Bernice Irene Price, Marshalltown – For celebrating her 85th birthday.
- 2007\2936 Florence Louise Renshaw, Marshalltown – For celebrating her 93rd birthday.
- 2007\2937 Calvin Schroeder, Tama – For celebrating his 78th birthday.
- 2007\2938 Marcella List, Tama – For celebrating her 92nd birthday.
- 2007\2939 Mildred Puls, Tama – For celebrating her 77th birthday.
- 2007\2940 Lucille Mears, Tama – For celebrating her 85th birthday.
- 2007\2941 Gladys Kubalek, Tama – For celebrating her 91st birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 893](#)

Appropriations: Hunter, Chair; Berry and Watts.

[House File 905](#)

Ways and Means: Wise, Chair; Deyoe, T. Olson, Quirk, Reasoner, Struyk and Van Fossen.

[Senate File 442](#)

Ways and Means: Grassley, Chair; Kelley and Pettengill.

LSB 1134JA

Appropriations: Cohoon, Chair; Huseman and Reichert.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

[House Study Bill 311](#)

Ways and Means: Wise, Chair; Kelley and Sands.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARK W. BRANDSGARD
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

[Senate File 551](#), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-1761](#) April 17, 2007.

Committee Bill (Formerly LSB 1134HC), relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, vertical infrastructure fund, the endowment for Iowa's health restricted capitals fund, and the technology reinvestment fund, and related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 2007.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House Study Bill 306](#)), relating to the streamlined sales and use tax agreement and administration of the tax and related laws by the department of revenue, including administration of sales and use taxes, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 17, 2007.

Committee Bill (Formerly [House Study Bill 311](#)), relating to providing sales, use, and property tax exemptions for a certain web search portal business.

Fiscal Note is required.

Recommended **Do Pass** April 17, 2007.

RESOLUTIONS FILED

[HR 46](#), by Mascher, a resolution honoring the life and accomplishments of Kurt Vonnegut.

Laid over under **Rule 25**.

[HR 47](#), by Mascher, Abdul-Samad, Alons, Anderson, Arnold, Bailey, Baudler, Bell, Berry, Boal, Bukta, Chambers, Clute, Cohoon, Dandekar, Davitt, De Boef, Deyoe, Dolecheck, Drake, Foege, Ford, Forristall, Frevert, Gaskill, Gayman, Gipp, Granzow, Grassley, Greiner, Heaton, Heddens, Hoffman, Horbach, Hunter, Huseman, Jacobs, Jacoby, Jochum, Kaufmann, Kelley, Kressig, Kuhn, Lensing, Lukan, Lykam, May, McCarthy, Mertz, H. Miller, L. Miller, Murphy, Oldson, D. Olson, R. Olson, S. Olson, T. Olson, Palmer, Paulsen, Petersen, Pettengill, Quirk, Raecker, Rants, Rasmussen, Rayhons, Reasoner, Reichert, Roberts, Sands, Schickel, Schueller, Shomshor, Smith, Soderberg, Staed, Struyk, Swaim, D. Taylor, T. Taylor, Thomas, Tjepkes, Tomenga, Tymeson, Upmeyer, Van Engelenhoven, Van Fossen, Watts, Wendt, Wenthe, Wessel-Kroeschell, Whitaker, Whitead, Wiencek, Winckler, Windschitl, Wise, Worthan and Zirkelbach, a resolution to honor professional golfer and Iowa's own Zach Johnson on winning the 2007 Masters golf tournament.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1745	S.F.	430	Swaim of Davis
			Anderson of Page
			Schueller of Jackson
			R. Olson of Polk
			T. Olson of Linn
			Paulsen of Linn
H-1746	S.F.	430	Swaim of Davis
			Anderson of Page
			Schueller of Jackson
			R. Olson of Polk
			T. Olson of Linn
			Paulsen of Linn
H-1749	S.F.	430	Horbach of Tama
H-1753	H.F.	792	H. Miller of Webster
H-1755	S.F.	485	D. Olson of Boone
			Mertz of Kossuth
H-1756	H.F.	907	Raecker of Polk
H-1757	H.F.	773	Senate Amendment

<u>H-1758</u>	<u>H.F. 808</u>	Senate Amendment
<u>H-1759</u>	<u>H.F. 608</u>	Senate Amendment
<u>H-1760</u>	<u>S.F. 49</u>	R. Olson of Polk
<u>H-1761</u>	<u>S.F. 551</u>	Committee on Appropriations
<u>H-1765</u>	<u>S.F. 551</u>	Grassley of Butler
		S. Olson of Clinton
		Kaufman of Cedar
<u>H-1766</u>	<u>H.F. 752</u>	Rants of Woodbury

On motion by McCarthy of Polk the House adjourned at 8:57 p.m., until 9:00 a.m., Wednesday, April 18, 2007.