JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day - Sixtieth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, April 9, 2008

The House met pursuant to adjournment at 9:08 a.m., Speaker pro tempore Bukta in the chair.

Prayer was offered by Reverend Les Borsay, pastor of Central Christian Church, Jefferson. He was the guest of Representative Dave Tjepkes of Webster County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Natalie Bunnell, Page for the Legislative Service Agency.

The Journal of Tuesday, April 8, 2008 was approved.

ADOPTION OF HOUSE RESOLUTION 144

Speaker Murphy, Heddens of Story and Upmeyer of Hancock, called up for consideration House Resolution 144, a resolution to honor Tyler Joseph Steinke as the youngest Global Messenger for Special Olympics Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

Murphy of Dubuque introduced to the House, Tyler Joseph Steinke and presented him with a certificate of honor.

The House rose and expressed its welcome.

The House stood at ease at 9:18 a.m., until the fall of the gavel.

The House resumed session at 9:28 a.m., Speaker Murphy in the chair.

The House stood at ease at 9:29 a.m., until the fall of the gavel.
The House resumed session at 10:39 a.m., Speaker Murphy in the chair.

CONSIDERATION OF BILLS
Ways and Means Calendar

House File 2663, a bill for an act relating to the repeal of the local option sales and services tax for school infrastructure purposes by using the revenues from the increase in the state sales and use taxes for replacing lost school district revenues resulting from the repeal, providing property tax relief, providing for the reduction in the state sales and use tax, providing a penalty, and including an effective date provision, was taken up for consideration.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment H–8380 filed by him and D. Taylor of Linn on April 2, 2008, placing out of order amendment H–8410 filed by T. Taylor and D. Taylor of Linn on April 3, 2008.

The following amendments were deferred by unanimous consent:

Amendment H–8457 filed by Rants of Woodbury.
Amendment H–8412 filed by Tymeson of Madison.
Amendment H–8413 filed by Tymeson of Madison.
Amendment H–8459 filed by Van Fossen of Scott.
Amendment H–8462 filed by Paulsen of Linn.

Forristall of Pottawattamie offered the following amendment H–8458 filed by him from the floor and moved its adoption:

H–8458

Amend House File 2663 as follows:
1. Page 10, lines 3 and 4, by striking the words and figure ", as computed in subsection 8,"
2. Page 10, by inserting after line 7 the following:
   "Sec. 423E.4, subsection 3, paragraph b, subparagraph (3), Code 2007, as amended by this Act, is amended to read as follows:
   (3) "Statewide tax revenues per student" means the amount determined by estimating the total revenues that would be generated by a one percent local option sales and services tax for school infrastructure
purposes if imposed by all the counties during the
entire fiscal year, as computed in subsection 8, and
dividing this estimated revenue amount by the sum of
the combined actual enrollment for all counties as
determined in section 423E.3, subsection 5, paragraph
"d", subparagraph (2)."
3. Page 38, by inserting after line 23 the
following:
"Sec. __. EFFECTIVE, CONTINGENT EFFECTIVE, AND
APPLICABILITY DATE PROVISIONS.
1. Except as provided in subsection 3, this Act
takes effect July 1 following ratification of an
amendment to the Constitution of the State of Iowa
that provides the following:
All revenue derived from the increase in the state
sales and use tax rates from five percent to six
percent shall be distributed to the school districts
of the state to be used exclusively for school
infrastructure purposes or school property tax relief,
including the payment of principal and interest on
bonds issued for school infrastructure purposes.
2. If sections of this Act take effect as provided
in subsection 1, those sections of this Act apply to
fiscal years beginning on or after the effective date
of those sections of this Act.
3. Sections 20 and 22 of this Act amending section
423E.4, subsection 3, paragraph "a", and section
423E.4, subsection 3, paragraph "b", subparagraph (3),
take effect July 1, 2008."
4. Title page, line 7, by striking the words "an
effective date provision" and inserting the following:
"effective, contingent effective, and applicability
date provisions."

D. Olson of Boone in the chair at 11:05 a.m.

Speaker Murphy in the chair at 11:52 a.m.

Roll call was requested by Pettengill of Benton and Tymeson of
Madison.

On the question "Shall amendment H–8458 be adopted?" (H.F.
2663)

The ayes were, 44:

Alons               Anderson               Arnold               Boal
Chambers           Clute                  Dandekar             De Boef
Deyoe              Drake                  Forristall           Gipp
Granzow  Grassley  Heaton  Horbach
Huseman  Huser  Jacobs  Lukan
May  Mertz  Miller, L.  Olson, S.
Paulsen  Pettengill  Raecker  Rants
Rasmussen  Rayhons  Reichert  Roberts
Sands  Schickel  Soderberg  Struyk
Tymeson  Upmeyer  Van Engelenhoven  Van Fossen
Watts  Wiencek  Windschitl  Worthan

The nays were, 55:

Abdul-Samad  Bailey  Baudler  Bell
Berry  Bukta  Cohoon  Davitt
Dolecheck  Poege  Ford  Frevert
Gaskill  Gayman  Heddens  Hoffman
Hunter  Jacoby  Jochum  Kaufmann
Kelley  Kressig  Kuhn  Lensing
Lykam  Mascher  McCarthy  Miller, H.
Oldson  Olson, D.  Olson, R.  Olson, T.
Palmer  Petersen  Quirk  Reasoner
Schueller  Shomshor  Smith  Staed
Swaim  Taylor, D.  Taylor, T.  Thomas
Tjepkes  Tomenga  Wendt  Wenth
Wessel-Kroeschell  Whitaker  Whitead  Winckler
Wise  Zirkelbach  Mr. Speaker  Murphy

Absent or not voting, 1:

Greiner

Amendment H–8458 lost.

Mascher of Johnson offered the following amendment H–8363 filed by her and moved its adoption:

H–8363

1  Amend House File 2663 as follows:
2   1. Page 11, line 5, by striking the word
3   "one-half" and inserting the following: "one-half".
4   2. Page 11, by striking lines 6 through 9 and
5   inserting the following: "authorized by the voters.
6   For the second half of the duration of the tax
7   authorized by the voters, local sales and services tax
8   receipts shall be distributed as otherwise applicable
9   pursuant to subsection 2 of this section."

A non-record roll call was requested.
The ayes were 28, nays 50.

Amendment H–8363 lost.

Tymeson of Madison offered the following amendment H–8461 filed by her from the floor and moved its adoption:

H–8461

1 Amend House File 2663 as follows:
2 1. Page 15, line 28, by inserting after the word
3     "relief." the following: "Notwithstanding section
4     12C.7, interest or earnings on moneys in the fund
5     shall be credited to the property tax equity and
6     relief fund created in section 257.16A."

Roll call was requested by Tymeson of Madison and Van Fossen of Scott.

On the question "Shall amendment H–8461 be adopted?" (H.F. 2663)

The ayes were, 39:

Alons     Anderson     Arnold     Boal
Chambers  Clute       De Boef    Deyoe
Drake     Forristall  Gipp       Granzow
Grassley  Horbach    Huseman    Jacobs
Lukan     May         Mertz      Miller, L.
Olson, S. Paulsen    Pettengill    Raecker
Rants     Rasmussen  Rayhons    Roberts
Sands     Schickel    Soderberg  Struyk
Tymeson   Van Engelenhoven Van Fossen Watts
Wiencek   Windschitl  Worthan

The nays were, 58:

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

Absent or not voting, 3:
Greiner Heaton Upmeyer

Amendment H–8461 lost.

Struyk of Pottawattamie offered the following amendment H–8450 filed by him and Paulsen of Linn and moved its adoption:

H–8450

1 Amend House File 2663 as follows:
2 1. Page 18, line 3, by inserting after the word
3 "board." the following: "The election ballot shall be
4 designed so that the voter may approve either the
5 question of the approval of the revenue purpose
6 statement or the question of the approval of the use
7 of the moneys for property tax relief. The voter
8 shall only vote to approve one question."

A non-record roll call was requested.

The ayes were 34, nays 57.

Amendment H–8450 lost.

Mascher of Johnson offered the following amendment H–8362 filed by her and moved its adoption:

H–8362

1 Amend House File 2663 as follows:
2 1. Page 18, line 24, by striking the words "two
3 hundred fifty" and inserting the following: "four
4 hundred".
5 2. Page 18, line 25, by striking the word "one"
6 and inserting the following: "two".

Amendment H–8362 lost.
Mascher of Johnson offered the following amendment H–8364 filed by her and moved its adoption:

**H–8364**

1. Amend House File 2663 as follows:
2. 1. Page 18, line 26, by inserting after the word "school" the following: "or a school district that exceeds its authorized budget or carries a negative unspent balance for two or more consecutive years, as described in section 257.31, subsection 18,",

Amendment H–8364 lost.

**SPECIAL PRESENTATIONS**

Zirkelbach of Jones introduced to the House, his daughter Claire whom is celebrating her 2nd birthday. Representative Zirkelbach missed her birth and 1st birthday while serving in Iraq.

The House rose and expressed its welcome.

May of Dickinson introduced to the House his father Charles, visiting from Arizona.

The House rose and expressed its welcome.

Paulsen of Linn asked and received unanimous consent that amendment H–8466 be deferred.

Rants of Woodbury offered the following amendment H–8457, previously deferred, filed by him from the floor and moved its adoption:

**H–8457**

1. Amend House File 2663 as follows:
2. 1. Page 1, by inserting before line 1 the following:
3. "Section 1. Section 8.54, Code 2007, is amended by adding the following new subsection:
4. NEW SUBSECTION. 8. If the revenue estimating conference's estimate of state general fund revenues made at a later meeting, as defined in section 8.22A, subsection 3, exceeds the estimate of state general
fund revenues made at the meeting held prior to December 15, pursuant to section 8.22A, an amount equal to such excess amount shall be transferred from the general fund of the state to the property tax equity and relief fund created in section 257.16A. The amount transferred under this subsection shall not be deemed an appropriation for purposes of the general fund expenditure limitation and shall be made prior to any appropriation or transfer of the surplus in the general fund of the state pursuant to section 8.57."

A non-record roll call was requested.

The ayes were 38, nays 53.

Amendment H–8457 lost.

Tymeson of Madison asked and received unanimous consent that amendment H–8412, previously deferred, be deferred.

Tymeson of Madison offered the following amendment H–8413, previously deferred, filed by her and moved its adoption:

H–8413

Amend House File 2663 as follows:

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

"Sec. 1. Section 300.3, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 300.2 or any other provision of this chapter, the public educational and recreational levy shall no longer be levied for school budget years beginning on or after July 1, 2009."

Roll call was requested by Tymeson of Madison and De Boef of Keokuk.

On the question "Shall amendment H–8413 be adopted?" (H.F. 2663)

The ayes were, 39:

Alons  Anderson  Arnold  Boal
Chambers  Clute  De Boef  Deyoe
Drake  Forristall  Gipp  Granzow
Amendment H–8413 lost.

Van Fossen of Scott offered amendment H–8459, previously deferred, filed by him from the floor as follows:

H–8459

1 Amend House File 2663 as follows:
2 1. Page 3, by inserting after line 13 the
3 following:
4 "Sec. ___. Section 422.11S, subsection 7,
5 paragraph a, subparagraph (2), Code Supplement 2007,
6 is amended to read as follows:
7 (2) "Total approved tax credits" means for the tax
8 year beginning in the 2006 calendar year, two million
9 five hundred thousand dollars, for the tax year
10 beginning in the 2007 calendar year, five million
11 dollars, and for tax years beginning on or after
12 January 1, 2008 for the tax year beginning in the 2008
13 calendar year, seven million five hundred thousand
Reasoner of Union rose on a point of order that amendment H–8459 was not germane.

The Speaker ruled the point well taken and amendment H–8459 not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment H–8459.

Objection was raised.

Paulsen of Linn offered the following amendment H–8462, previously deferred, filed by him from the floor and moved its adoption:

H–8462

Amend House File 2663 as follows:
1. Page 6, by striking lines 21 and 22 and inserting the following: "remaining revenues as follows:
   (1) Ninety-nine percent to the secure an advanced vision for education fund created in section 423F.2.
   (2) One percent to an area education agency infrastructure and maintenance fund created in the state treasury under the control of the department of education. Moneys in this fund shall be allocated by the department, pursuant to a formula adopted by rule pursuant to chapter 17A, to area education agencies for repairing, remodeling, reconstructing, improving or expanding facilities.
   This paragraph is”.
2. Page 7, by striking lines 19 and 20 and inserting the following: "remaining revenues as follows:
   (1) Ninety-nine percent to the secure an advanced vision for education fund created in section 423F.2.
   (2) One percent to the area education agency infrastructure and maintenance fund created in and to be used as provided in section 423.2, subsection 11, paragraph "b".
   This paragraph is”.

Amendment H–8462 lost.
Paulsen of Linn asked and received unanimous consent to withdraw amendment H–8466, previously deferred, filed by him from the floor.

Tymeson of Madison asked and received unanimous consent to withdraw amendment H–8412, previously deferred, filed by her on April 3, 2008.

Reasoner of Union 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. 2663)

The ayes were, 59:

Abdul-Samad  Arnold  Bailey  Baudler
Bell  Berry  Bukta  Chambers
Cohoon  Davitt  Deyoe  Dolecheck
Drake  Foegge  Ford  Forristall
Frevert  Gaskill  Granzow  Grassley
Heaton  Heddens  Hoffman  Huseman
Huser  Jochum  Kaufmann  Kelley
Kressig  Kuhn  Lykam  McCarthy
Mertz  Miller, H.  Oldson  Olson, D.
Olson, R.  Palmer  Petersen  Quirk
Rayhons  Reasoner  Reichert  Schueller
Shomshor  Swaim  Thomas  Tjepkes
Tomenga  Wendt  Wenthe  Wessel-Kroeschell
Whitaker  Whitead  Wieneck  Winckler
Wise  Zirkelbach  Mr. Speaker  Murphy

The nays were, 41:

Alons  Anderson  Boal  Clute
Dandekar  De Boef  Gayman  Gipp
Greiner  Horbach  Hunter  Jacobs
Jacoby  Lensing  Lukan  Mascher
May  Miller, L.  Olson, S.  Olson, T.
Paulsen  Pettengill  Raecker  Rants
Rasmussen  Roberts  Sands  Schickel
Smith  Soderberg  Staed  Struyk
Taylor, D.  Taylor, T.  Tymeson  Upmeyer
Van Engelenhoven  Van Fossen  Watts  Windschitl
Worthan

Absent or not voting, none.
The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

*House File 2103*, a bill for an act relating to appointments to the college student aid commission and including an effective date and applicability provision.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

*House File 2338*, a bill for an act relating to attendance at child in need of assistance proceedings.

Also: That the Senate has on April 9, 2008, amended and passed the following bill in which the concurrence of the House is asked:

*House File 2558*, a bill for an act relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the Senate was asked:

*House File 2653*, a bill for an act relating to foreclosure consultants and foreclosure reconveyances, providing for criminal and civil penalties, and providing an effective date.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

*Senate File 2124*, a bill for an act relating to authorized expenditures from the veterans trust fund and providing for emergency rulemaking authority.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

*Senate File 2161*, a bill for an act providing for the establishment of a council on homelessness.

Also: That the Senate has on April 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:
Senate File 2212, a bill for an act relating to determinations in child in need of assistance proceedings, and modifying circumstances for termination of parental rights.

Also: That the Senate has on April 9, 2008, amended the House amendment, concurred in the House amendment as amended, and passed the following bill in which the concurrence of the House is asked:

Senate File 2308, a bill for an act relating to identity theft by providing for the notification of a breach in the security of personal information, and providing penalties.

Also: That the Senate has on April 9, 2008, passed the following bill in which the concurrence of the House is asked:

Senate File 2404, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

MICHAEL E. MARSHALL, Secretary

INTRODUCTION OF BILLS

House File 2680, by committee on appropriations, a bill for an act relating to student achievement and teacher quality program definitions and requirements and extending or changing program allocations.

Read first time and referred to committee on appropriations calendar.

House File 2681, by committee on ways and means, a bill for an act relating to the compulsory school attendance age and providing effective dates.

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

House File 2682, by committee on ways and means, a bill for an act relating to the funding of school district programs for returning dropouts and dropout prevention.

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

House File 2683, by committee on ways and means, a bill for an act relating to the meetings of and appeals from the property
assessment appeal board and including effective and applicability date provisions.

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

House File 2684, by committee on ways and means, a bill for an act creating an insurance industry new jobs tax credit.

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

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that House File 2663 be immediately messaged to the Senate.

Unfinished Business Calendar

Senate File 2133, a bill for an act relating to the Iowa crop improvement association, with report of committee recommending passage, was taken up for consideration.

Greiner of Washington in the chair at 2:58 p.m.

Frevert of Palo Alto 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. 2133)

The ayes were, 99:

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  Heaton
Heddens  Hoffman  Horbach  Hunter
Huseman  Huser  Jacobs  Jacoby
Jochum  Kaufmann  Kelley  Kressig
Kuhn  Lensing  Lukan  Lykam
The nays were, none.

Absent or not voting, 1: Abdul-Samad

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

**House File 2552**, a bill for an act relating to the management of cooperative associations, was taken up for consideration.

**SENATE FILE 2348 SUBSTITUTED FOR HOUSE FILE 2552**

Drake of Pottawattamie asked and received unanimous consent to substitute **Senate File 2348** for **House File 2552**.

**Senate File 2348**, a bill for an act relating to the management of cooperative associations, was taken up for consideration.

Drake of Pottawattamie offered the following amendment **H–8265** filed by him and Mertz of Kossuth and moved its adoption:

**H–8265**

1. Amend **Senate File 2348**, as passed by the Senate, as follows:

   1. Page 1, by striking lines 6 and 7 and inserting the following: "with the care that a person in a like position would reasonably believe appropriate under similar circumstances. A person who so."
2. Page 3, by inserting after line 15 the following:

"Sec. 1. NEW SECTION. 499.41A GREATER VOTING REQUIREMENTS.

An amendment to the articles of incorporation of an association that adds, changes, or deletes a greater voting or quorum requirement by the members than required by this chapter must be adopted by the voting or quorum requirements then in effect or proposed to be adopted, whichever is greater."

3. By renumbering as necessary.

Amendment H–8265 was adopted.

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

On the question “Shall the bill pass?” (S.F. 2348)

The ayes were, 98:

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 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. 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 Van Engelenhoven
Van Fossen Watts Wendt Wenthe
Wessel-Kroeschell Whitaker Whitead Wiencek
Winckler Windschitl Wise Worthan
Zirkelbach Greiner,

The nays were, none.
Absent or not voting, 2:

Abdul-Samad Upmeyer

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 2133 and 2348.

The House stood at ease at 3:10 p.m., until the fall of the gavel.

The House resumed session at 4:06 p.m., Boal of Polk in the chair.

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 9, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2246, a bill for an act relating to required disclosures in real estate transactions, was taken up for consideration.

SENATE FILE 2246 SUBSTITUTED FOR HOUSE FILE 2594

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2246 for House File 2594.

Senate File 2246, a bill for an act relating to required disclosures in real estate transactions, was taken up for consideration.

Ford of Polk offered the following amendment H–8235 filed by him and moved its adoption:
Amend Senate File 2246, as passed by the Senate, as follows:

1. Page 1, line 12, by inserting after the figure "358C." the following: "The disclosure statement shall also include information regarding the presence of lead contamination on the property, including whether the owner has any knowledge of lead contamination due to statements made by a previous owner, personal discovery, an examination by a lead inspector or lead abater, any renovation or remodeling, or from any other source, as provided in rules which shall be adopted by the real estate commission pursuant to section 543B.9, which shall include disclosure of the person who performed any lead inspection, lead abatement, renovation, or remodeling."

Amendment H–8235 lost.

Kressig of Black Hawk 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. 2246)

The ayes were, 98:

Alons    Anderson    Arnold    Bailey
Baudler  Bell        Berry      Bukta
Chambers Clute      Cohoon     Dandekar
Davitt   De Boef     Deyoe      Dolecheck
Drake    Foege       Forristall Frevert
Gaskill  Gayman     Gipp       Granzow
Grassley Greiner    Heaton     Heddens
Hoffman  Horbach    Hunter     Huseman
Huser    Jacobs      Jacoby     Jochum
Kaufmann Kelley     Kressig    Kuhn
Lensing  Lukan      Lykan      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
The nays were, 1:

Ford

Absent or not voting, 1:

Abdul-Samad

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

House File 2602, a bill for an act relating to the licensure of real estate brokers and salespersons, was taken up for consideration.

Kressig of Black Hawk offered the following amendment H–8442 filed by him and moved its adoption:

H–8442

1 Amend House File 2602 as follows:
2 1. Page 3, by inserting after line 13 the following:
3 "Sec.____, Section 543B.54, subsection 2, Code
4 Supplement 2007, is amended to read as follows:
5 2. Twenty-five dollars per license from fees
6 deposited for each real estate salesperson’s license
7 and each broker’s license shall be distributed and are
8 appropriated to the real estate commission for the
9 purpose of establishing and maintaining a program to
10 provide grants to community colleges and other
11 colleges and universities in the state providing
12 programs under this section and using the curriculum
13 maintained by the commission. Grants shall be awarded
14 by a grant committee established by the real estate
15 commission. The committee shall consist of seven
16 members: two members of the commission, four members
17 of appointed by the Iowa association of realtors, and
18 one member of the general public. The commission
19 shall promulgate rules, in consultation with the Iowa
20 association of realtors, relating to the organization
21 and operation of the committee, which shall include
22 the term of membership, and establishing standards for
23 awarding grants. The members of the committee may be
reimbursed for actual and necessary expenses incurred in the performance of their duties but shall not receive a per diem payment."

2. By renumbering as necessary.

Amendment H–8442 was adopted.

SENATE FILE 2250 SUBSTITUTED FOR HOUSE FILE 2602

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2250 for House File 2602. Senate File 2250, a bill for an act relating to the licensure of real estate brokers and salespersons, was taken up for consideration.

Kressig of Black Hawk 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. 2250)

The ayes were, 99:

Alons    Anderson    Arnold    Bailey
Baudler   Bell       Berry     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. 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    Wendar
Wenthe    Wessel-Kroeschell Whitaker Whitead
Wiencek   Winckler   Windschitl Wise
Worthan   Zirkelbach  Boal, Presiding

Presiding
The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

House File 2582, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, was taken up for consideration.

SENATE FILE 2350 SUBSTITUTED FOR HOUSE FILE 2582

Huser of Polk asked and received unanimous consent to substitute Senate File 2350 for House File 2582.

Senate File 2350, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions, was taken up for consideration.

Huser of Polk offered the following amendment H–8415 filed by her and moved its adoption:

H–8415

1 Amend Senate File 2350, as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 17 the
4 following:
5 "Sec. 463C.12, subsection 8, Code
6 2007, is amended to read as follows:
7 8. Tax-exempt bonds issued by the authority in
8 connection with the program, which are exempt from
9 taxation for federal tax purposes, are also exempt
10 from taxation by the state of Iowa and the interest on
11 these bonds is exempt from state income taxes and
12 state inheritance and estate taxes."
13 2. Page 5, by inserting after line 32 the
14 following:
15 "Sec. 463.3, subsection 4, Code 2007, is amended to read as follows:
16 4. Charges – includes costs of administration,
17 funeral expenses, cost of monument, and federal and
state estate taxes.”

3. Page 8, by inserting after line 1 the following:

"Sec.__.  Section 633.436, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Except as provided in sections 633.211 and 633.212, shares of the distributees shall abate, for the payment of debts and charges, federal and state estate taxes, legacies, the shares of children born or adopted after the making of a will, or the share of the surviving spouse who elects to take against the will, without any preference or priority as between real and personal property, in the following order:

Sec.__.  Section 633.449, Code 2007, is amended to read as follows:

633.449 PAYMENT OF FEDERAL ESTATE TAXES.

All federal estate taxes (as, distinguished from state inheritance taxes), owing by the estate of a decedent shall be paid from the property of the estate, unless the will of the decedent, or other trust instrument, provides expressly to the contrary."

4. Page 8, by inserting after line 27 the following:

"3. Notwithstanding subsections 1 and 2, the interest of a beneficiary of a valid spendthrift trust may be reached to satisfy an enforceable claim against the beneficiary or the beneficiary’s estate for either of the following:

a. Services or supplies for necessaries provided to or for the beneficiary.

b. Tax claims by the United States to the extent authorized by federal law or an applicable provision of the Code."

5. Page 9, line 23, by inserting before the word "Whether" the following: "1."

6. Page 9, line 27, by striking the figure "1." and inserting the following: "a."

7. Page 9, line 29, by striking the figure "2." and inserting the following: "b."

8. Page 9, by inserting after line 29 the following:

"2. This section shall not apply to a creditor of a beneficiary or to a creditor of a deceased beneficiary enforcing an interest in a trust, if any, given to a beneficiary by the trust instrument."

9. Page 9, line 32, by inserting before the word "If" the following: "1."

10. Page 10, by inserting after line 2 the
18 following:
19 "2. Notwithstanding subsection 1, court may order
20 payment to a creditor of a beneficiary or to a
21 creditor of a deceased beneficiary if the beneficiary
22 has or had an interest in the trust."
23
24 11. Page 11, by inserting after line 25 the
25 following:
26 "Sec.____. Section 633A.3112, subsection 1, Code
27 2007, is amended to read as follows:
28 1. "Charges" includes costs of administration,
29 funeral expenses, costs of monuments, and federal and
30 state estate taxes.
31 Sec.____. Section 633A.4703, unnumbered paragraph
32 1, Code Supplement 2007, is amended to read as
33 follows:
34 Except as otherwise provided by the governing
35 instrument, where necessary to abate shares of the
36 beneficiaries of a trust for the payment of debts and
37 charges, federal and state estate taxes, bequests, the
38 share of the surviving spouse who takes an elective
39 share, and the shares of children born or adopted
40 after the execution of the trust, abatement shall
41 occur in the following order:"
42
43 12. By renumbering as necessary.

Amendment H–8415 was adopted.

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

On the question “Shall the bill pass?” (S.F. 2350)

The ayes were, 99

Alons Anderson Arnold Bailey
Baudler Bell Berry 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. Murphy, Spkr. Oldson
Olson, D. Olson, R. Olson, S. Olson, T.
Palmer Paulsen Petersen Pettengill
The nays were, none.

Absent or not voting, 1:

Abdul-Samad

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

HOUSE FILES 2594 and 2602 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House Files 2594 and 2602 from further consideration by the House.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: Senate Files 2246, 2250 and 2350.

**Senate File 2340**, a bill for an act requiring certain identity documents to be provided to children subject to a court order for out-of-home placement, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 2340)
The ayes were, 98:

Alons  Anderson  Arnold  Bailey
Baudler  Bell  Berry  Bukta
Chambers  Clute  Cohoon  Dandekar
Davitt  De Boef  Deyoe  Dolecheck
Drake  Foege  Ford  Forristall
Frevert  Gaskill  Gayman  Gipp
Granowitz  Grassley  Greiner  Heaton
Heddens  Hoffman  Horbach  Hunter
Huseman  Huser  Jacobs  Jacoby
Jochem  Kaufmann  Kellley  Kressig
Kuhn  Lensing  Lukan  Lykan
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
Tomenga  Tymeson  Upmeyer  Van Engelenhoven
Van Fossen  Watts  Wendt  Wenthe
Wessel-Kroeschell  Whitaker  Whitead  Wiencek
Winckler  Windschitl  Wise  Worthan
Zirkelbach  Boal,  Presiding

The nays were, none.

Absent or not voting, 2:

Abdul-Samad  Tjepkes

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

**HOUSE FILE 2582 WITHDRAWN**

Huser of Polk asked and received unanimous consent to withdraw House File 2582 from further consideration by the House.

**House File 2505**, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties, was taken up for consideration.
SENATE FILE 2367 SUBSTITUTED FOR HOUSE FILE 2505

Kressig of Black Hawk asked and received unanimous consent to substitute Senate File 2367 for House File 2505.

Senate File 2367, a bill for an act relating to the compliance advisory panel, including the appointment of its members and its powers and duties, was taken up for consideration.

Kressig of Black Hawk 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. 2367)

The ayes were, 99:

Alons    Anderson    Arnold    Bailey
Baudler  Bell        Berry      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. 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  Zirkelbach  Boal,      Presiding

The nays were, none.
Absent or not voting, 1:

Abdul-Samad

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 2685**, by committee on ways and means, a bill for an act relating to rules for the discharge of wastewater from water well drilling sites and providing for a fee.

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

SENATE MESSAGE CONSIDERED

**Senate File 2404**, by committee on government oversight, a bill for an act relating to state agency reporting of the receipt of gifts, bequests, and grants.

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

The House stood at ease at 4:52 p.m., until the fall of the gavel.

The House resumed session at 4:56 p.m., Boal of Polk in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Abdul-Samad of Polk on request of Speaker Murphy.

IMMEDIATE MESSAGES

McCarthy of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2340** and **2367**.
Senator File 2392, a bill for an act to regulate viatical settlements, and providing for fees and penalties, was taken up for consideration.

Speaker Murphy in the chair at 5:00 p.m.

Wise of Lee offered amendment H–8350 filed by the committee on commerce as follows:

H–8350

Amend Senate File 2392, as amended, passed, and reprinted by the Senate, as follows:

1. Page 5, line 35, by striking the words "a plan" and inserting the following: "an act".
2. Page 9, by striking lines 30 through 34.
3. Page 15, line 2, by striking the figure "508E.14" and inserting the following: "508E.15".
4. Page 16, line 14, by inserting after the word "contract" the following: "form".
5. Page 17, line 22, by striking the figures and words: "508E.13, and 508.14" and inserting the following: "508E.14, and 508E.15".
6. Page 18, line 28, by striking the figure "508E.14" and inserting the following: "508E.15".
7. Page 28, line 29, by striking the word "sixty" and inserting the following: "thirty".
8. Page 28, line 31, by striking the word "thirty" and inserting the following: "fifteen".
9. Page 30, by striking lines 10 through 12, and inserting the following: "contracts shall be made only by a duly licensed viatical settlement provider or by the authorized".
11. Page 35, by striking lines 26 and 27, and inserting the following: "A viatical settlement broker, or viatical transaction," and inserting the following: "transaction".
12. Page 35, line 29, by striking the words "broker, and" and inserting the following: "broker, and, if the policy was issued less than two years from the date of application for a viatical settlement contract.".
13. Page 36, line 10, by striking the words "broker, and" and inserting the following: "broker, and, if the policy was issued less than two years from the date of application for a viatical settlement contract.".
14. Page 37, line 12, by striking the figure "508E.16" and inserting the following: "508E.17".
15. Page 38, line 2, by striking the word "sixty" and inserting the following: "thirty".
16. Page 38, line 4, by striking the word "thirty" and inserting the following: "fifteen".
By striking page 40, line 12, through page 42, line 30, and inserting the following:

"Sec. __. NEW SECTION. 508E.11 PROHIBITED PRACTICES.
1. Except as provided in section 508E.12, it is a violation of this chapter for any person to enter into a viatical settlement contract at any time prior to the application or issuance of a policy which is the subject of a viatical settlement contract or within a five-year period commencing with the date of issuance of the insurance policy or certificate.

2. An insurer shall not, as a condition of responding to a request for verification of coverage or effecting the transfer of a policy pursuant to a viatical settlement contract, require that the viator, insured, viatical settlement provider, or viatical settlement broker sign any form, disclosure, consent, or waiver form that has not been expressly approved by the commissioner for use in connection with viatical settlement contracts in this state.

3. Upon receipt of a properly completed request for change of ownership or beneficiary of a policy, the insurer shall respond in writing within twenty days, with written acknowledgment confirming that the change has been effected or specifying the reasons why the requested change cannot be processed. The insurer shall not unreasonably delay effecting a change of ownership or beneficiary and shall not otherwise seek to interfere with any viatical settlement contract lawfully entered into in this state.

Sec. __. NEW SECTION. 508E.12 PERMITTED PRACTICES.
1. Notwithstanding section 508E.11, at any time subsequent to the issuance of the policy, a person may enter into a viatical settlement contract if the viator certifies to the viatical settlement provider that one or more of the following conditions have been met within the five-year period:

a. The policy was issued upon the viator’s exercise of conversion rights arising out of a group or individual policy, provided the total of the time covered under the conversion policy plus the time covered under the prior policy is at least sixty months. The time covered under a group policy shall be calculated without regard to any change in insurance carriers, provided the coverage has been continuous and under the same group sponsorship.

b. The viator submits an affidavit to the viatical settlement provider that one or more of the following
conditions exists:

(1) The viator or insured is terminally or chronically ill.
(2) The viator’s spouse or child dies.
(3) The viator divorces the viator’s spouse.
(4) The viator retires from full-time employment.
(5) The viator becomes physically or mentally disabled and a physician determines that the disability prevents the viator from maintaining full-time employment.
(6) A final order, judgment, or decree is entered by a court of competent jurisdiction, on the application of a creditor of the viator, adjudicating the viator bankrupt or insolvent, or approving a petition seeking reorganization of the viator or appointing a receiver, trustee, or liquidator to all or a substantial part of the viator’s assets.
(7) Other circumstances as established as eligible exemptions by the commissioner by rule, including but not limited to substantial adverse financial circumstances or other factors substantially affecting the viator.

2. Notwithstanding section 508E.11, a person may enter into a viatical settlement contract if at all times prior to the date that is two years after policy issuance, all of the following conditions are met with respect to the policy:

a. Policy premiums have been funded exclusively with any of the following:
   (1) Unencumbered assets, including an interest in the life insurance policy being financed only to the extent of its net cash surrender value, provided by a person described in section 508E.2, subsection 15, paragraph "d".
   (2) Fully recourse liability incurred by the insured or a person described in section 508E.2, subsection 15, paragraph "d".
   b. There is no agreement or understanding with any other person to guarantee any such liability or to purchase, or stand ready to purchase, the policy, including through an assumption or forgiveness of the loan.
   c. Neither the insured nor the policy has been evaluated for settlement.

3. Copies of the affidavits described in this section and documents required by section 508E.10, subsection 1, shall be requested from and provided by the insurer when the viatical settlement provider or viatical settlement broker submits a request to the
insurer for verification of coverage. The copies
shall be accompanied by a letter of attestation from
the viatical settlement provider that the copies are
true and correct copies of the documents received by
the viatical settlement provider.
4. If the viatical settlement provider submits to
the insurer a copy of the owner’s or insured’s or
insurer’s affidavit described in this section when the
provider submits a request to the insurer to effect
the transfer of the policy or certificate to the
viatical settlement provider, the copy shall be deemed
to conclusively establish that the viatical settlement
contract satisfies the requirement of this section and
the insurer shall timely respond to the request."

Page 4

1 contract satisfies the requirement of this section and
2 the insurer shall timely respond to the request."
3 18. Page 42, line 31, by striking the figure
4 "508E.12" and inserting the following: "508E.13".
5 19. Page 43, line 4, by inserting after the word
6 "broker" the following: "unless such relationship is
disclosed to the viator".
7 20. Page 43, line 14, by inserting after the word
8 "contract" the following: "unless such relationship
9 is disclosed to the viator".
10 21. Page 44, line 2, by inserting before the word
11 "purpose" the following: "sole".
12 22. Page 44, line 3, by striking the word "an"
13 and inserting the following: "a primary".
14 23. Page 44, by striking lines 4 through 18 and
15 inserting the following:
16 "__. A person providing premium financing shall
17 not receive any proceeds, fees, or other consideration
18 from the policy or owner of the policy that are in
19 addition to the amounts required to pay principal,
20 interest, and any costs or expenses incurred by the
21 lender or borrower in connection with the premium
22 finance agreement, except for the event of a default,
23 unless either the default on such loan or transfer of
24 the policy occurs pursuant to an agreement or
25 understanding with any other person for the purpose of
26 evading regulation under this chapter. Any payments,
27 charges, fees, or other amounts received by a person
28 providing premium financing in violation of this
29 subsection shall be".
30 24. Page 45, line 9, by striking the figure
31 "508E.13" and inserting the following: "508E.14".
32 25. Page 50, line 26, by striking the figure
33 "508E.14" and inserting the following: "508E.15".
34 26. Page 55, line 13, by striking the figure
35 "508E.15" and inserting the following: "508E.16".
36 27. Page 56, line 12, by striking the figure
Struyk of Pottawattamie asked and received unanimous consent that amendment H–8470 to amendment H–8350 be deferred.

Bailey of Hamilton offered the following amendment H–8463, to the committee amendment H–8350, filed by him from the floor and moved its adoption:

H–8463

1. Amend the amendment, H–8350, to Senate File 2392, as amended, passed, and reprinted by the Senate, as follows:

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

"Page 11, line 31, by striking the words "AND BOND"."

2. Page 14, by striking lines 1 through 32."

2. By renumbering as necessary.

Amendment H–8463 was adopted.

Quirk of Chickasaw offered the following amendment H–8473, to the committee amendment H–8350, filed by Quirk, Bailey of Hamilton and Reichert of Muscatine from the floor and moved its adoption:

H–8473

1. Amend the amendment, H–8350, to Senate File 2392, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, line 50, by striking the word "five-year" and inserting the following: "two-year".
2. Page 2, line 28, by striking the word "five-year" and inserting the following: "two-year".
3. Page 4, by inserting after line 42 the following:

"Sec. __. INTERIM COMMITTEE. The legislative council is requested to establish an interim committee to study sections 508E.11 and 508E.12 as enacted in
this Act, and specifically the proper time period when a person may enter into a viatical settlement contract after the issuance of the insurance policy or certificate. If established, the interim committee shall make a recommendation to the legislative council for purposes of increasing the time period if necessary for consideration by the Eighty-third General Assembly during its 2009 legislative session."

4. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 21, nays 60.

Amendment H–8473 lost.

Wise of Lee offered the following amendment H–8451, to the committee amendment H–8350, filed by him and moved its adoption:

H–8451

1. Amend the amendment, H–8350, to Senate File 2392, as amended, passed, and reprinted by the Senate, as follows:

2. By striking page 2, line 50, through page 3, line 5, and inserting the following:

"(____) The viator has filed for bankruptcy or sought reorganization in a court of competent jurisdiction, or a court of competent jurisdiction has appointed a receiver, trustee, or liquidator to all".

3. Page 3, line 36, by striking the words "requested from and provided by" and inserting the following: "submitted to".

4. By renumbering as necessary.

Amendment H–8451 was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment H–8470, to the committee amendment H–8350, previously deferred, filed by him from the floor.

On motion by Wise of Lee, the committee amendment H–8350, as amended, was adopted.
Wise of Lee offered the following amendment **H–8440** filed by him and moved its adoption:

**H–8440**

1. Amend Senate File 2392, as amended, passed, and reprinted by the Senate, as follows:
2. Page 45, line 2, by striking the figure "6." and inserting the following: "9."
3. By renumbering as necessary.

Amendment **H–8440** was adopted.

Struyk of Pottawattamie asked and received unanimous consent to withdraw amendment **H–8391** filed by him on April 2, 2008, placing out of order amendment **H–8471** to amendment **H–8391** filed by Quirk of Chickasaw and Bailey of Hamilton and Reichert of Muscatine from the floor.

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. 2392**) the ayes were, 99:

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.
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
The nays were, none.

Absent or not voting and 1:

Abdul-Samad

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 the following bill be immediately messaged to the Senate: Senate File 2392.

HOUSE FILE 2552 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House File 2552 from further consideration by the House.

HOUSE FILE 2505 WITHDRAWN

Kressig of Black Hawk asked and received unanimous consent to withdraw House File 2505 from further consideration by the House.

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 9th day of April, 2008: House Files 247, 2164, 2328, 2372, 2383, 2385, 2410, 2411, 2564, 2568, 2580, 2581, 2603 and 2606.

MARK W. BRANDSGARD
Chief Clerk of the House

Report adopted.
CERTIFICATES OF RECOGNITION

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

MARK W. BRANDSGARD  
Chief Clerk of the House  

2008\2731 Grant and Rita Stalkfleet, Muscatine – For celebrating their 50th wedding anniversary.

2008\2732 Duane L. Seaman, Walker – For celebrating his 80th birthday.

2008\2733 Betty Lou Robertson, Cedar Rapids – For celebrating her 80th birthday.

2008\2734 Berniece Bangasser, Ackley – For celebrating her 85th birthday.

2008\2735 Harold Lawton, Iowa Falls – For celebrating his 85th birthday.

2008\2736 Wallace Rutzen, Hubbard – For celebrating his 85th birthday.

2008\2737 Donald Walters, New Providence – For celebrating his 80th birthday.

2008\2738 Fern Groenweld, Eldora – For celebrating her 85th birthday.

2008\2739 Darlene Williams, New Providence – For celebrating her 80th birthday.

2008\2740 Merriem Gast, Steamboat Rock – For celebrating her 85th birthday.

2008\2741 Orrell Veren, Haverhill – For celebrating his 80th birthday.

2008\2742 Myrna Shape, Le Grand – For celebrating her 85th birthday.

2008\2743 Wallace Gorder, Iowa Falls – For celebrating his 80th birthday.

2008\2744 Larry and Juventina Nelson, Mediapolis – For celebrating their 50th wedding anniversary.

2008\2745 Ellsworth and Marlys Cizek, Traer – For celebrating their 60th wedding anniversary.

2008\2746 Paul and Donna Burrows, Dysart – For celebrating their 50th wedding anniversary.

2008\2747 Dean and Donna Larsen, Reinbeck – For celebrating their 50th wedding anniversary.
2008\2748 Rose Brcka, Forest City – For celebrating her 102nd birthday.

2008\2749 Zachary M. Burds, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2750 Alexander L. Engling, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2751 Joshua A. Ihm, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2752 Christopher A. Iverson, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2753 Robert C. Stoman, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2754 Ethan Spangler, Sherrill – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2755 Zachary N. Marcov, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

2008\2756 Ariana McLaughlin, Cedar Rapids – For being named the Iowa High School Journalist of the Year by the Journalism Education Association.

SUBCOMMITTEE ASSIGNMENT

House File 2652 Reassigned

Ways and Means: Palmer, Chair; Deyoe, Reasoner, Struyk and Wise.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 790

Ways and Means: Thomas, Chair; Schueller and Van Fossen.

House Study Bill 791

Ways and Means: Kelley, Chair; T. Olson and Wiencek.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 792 Human Resources

Establishing a pilot physician assistant mental health fellowship program and making appropriations.
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 WAYS AND MEANS

**Committee Bill** (Formerly House File 903), creating an insurance industry new jobs tax credit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

**Committee Bill** (Formerly House File 2351), relating to certain economic development programs by providing tax credits for the redevelopment of underutilized properties and by clarifying the meaning of an eligible business, and including effective date and retroactive applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

**Committee Bill** (Formerly House File 2518), relating to rules for the discharge of wastewater from water well drilling sites.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.

**Committee Bill** (Formerly House File 2566), relating to the funding of school district programs for returning dropouts and dropout prevention.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 2008.

**Committee Bill** (Formerly House File 2610), relating to the employer-employee relationship by preventing identity theft in the procurement of employment, providing for the employment classification of individuals, and providing penalties and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 8, 2008.
Committee Bill (Formerly House File 2623), relating to the compulsory school attendance age and providing effective dates.

Fiscal Note is not required.

Recommended Do Pass April 8, 2008.

Committee Bill (Formerly House File 2632), relating to renewable fuel, including by providing for infrastructure associated with storing, blending, and dispensing renewable fuel, modifying tax credits, providing for the purchase of renewable fuels by governmental entities, providing for renewable fuel marketing efforts, providing for retroactive applicability, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass April 8, 2008.

Committee Bill (Formerly House Study Bill 781), relating to the meeting of and appeals from the property assessment appeals board and including effective and applicability date provisions.

Fiscal Note is not required.

Recommended Amend and Do Pass April 8, 2008.

AMENDMENTS FILED

H–8460 S.F. 2134 Bailey of Hamilton
Windschitl of Harrison
H–8464 H.F. 2412 Baudler of Adair
H–8467 S.F. 2132 R. Olson of Polk
H–8468 S.F. 587 Frevert of Palo Alto
H–8469 H.F. 2080 Frevert of Palo Alto
H–8472 H.F. 2558 Senate Amendment
H–8474 S.F. 2216 Raecker of Polk
Wise of Lee
H–8475 S.F. 2404 Baudler of Adair
H–8476 H.F. 2679 Struyk of Pottawattamie
Pettengill of Benton
H–8477 H.F. 2681 Gayman of Scott
L. Miller of Scott

On motion by McCarthy of Polk the House adjourned at 5:59 p.m., until 9:00 a.m., Thursday, April 10, 2008.