

*Reprinted 4/87*

Transportation: Koenigs, Chair; Connolly and Platt.

*Do Pass 5/19/87 (p. 168)*

MAR 16 1987

TRANSPORTATION

HOUSE FILE 527  
BY PLATT

Passed House, Date 2-21-87 (p. 995) Passed Senate, Date 4-13-87 (p. 1251)  
Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0  
Approved May 5, 1987

A BILL FOR

1 An Act to require owners of vehicles subject to proportional  
2 registration to make application to either the state  
3 department of transportation or the county treasurer for  
4 registration and issuance of certificates of title, and  
5 providing an effective date.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 527

1 Section 1. Section 321.20, unnumbered paragraph 1, Code  
2 1987, is amended to read as follows:

3 Except as provided in this chapter, ~~every~~ an owner of a  
4 vehicle subject to registration shall make application to the  
5 county treasurer, of the county of the owner's residence, or  
6 if a nonresident, to the county treasurer of the county where  
7 the primary users of the vehicle are located, for the  
8 registration and issuance of a certificate of title for the  
9 vehicle upon the appropriate form furnished by the  
10 department. However, upon the transfer of ownership, the  
11 owner of a vehicle subject to the proportional registration  
12 provisions of chapter 326 shall make application for  
13 registration and issuance of a certificate of title to either  
14 the department or the appropriate county treasurer. The  
15 application shall be accompanied by a fee of ten dollars, and  
16 ~~every-application~~ shall bear the owner's signature of the  
17 ~~owner~~ written with pen and ink. ~~However,~~ a nonresident  
18 owner of two or more vehicles subject to registration may make  
19 application for registration and issuance of a certificate of  
20 title for all vehicles subject to registration to the county  
21 treasurer of the county where the primary user of any of the  
22 vehicles is located. The owner of a mobile home shall make  
23 application for a certificate of title under this section.  
24 The application shall contain:

25 Sec. 2. Section 321.24, unnumbered paragraph 1, Code 1987,  
26 is amended to read as follows:

27 Upon receipt of the application for title and payment of  
28 the required fees for motor vehicle, trailer, or semitrailer,  
29 the county treasurer or the department shall, when satisfied  
30 as to the application's genuineness and regularity, and, in  
31 the case of a mobile home, that taxes are not owing under  
32 chapter 135D, issue a certificate of title and, except for a  
33 mobile home, a registration receipt and shall file the  
34 application, the manufacturer's or importer's certificate,  
35 certificate of title, or other evidence of ownership, as

1 prescribed by the department. The registration receipt shall  
2 be delivered to the owner and shall contain upon its face the  
3 date issued, the name and address of the owner, the  
4 registration number assigned to the vehicle, the title number  
5 assigned to the owner of the vehicle, the amount of the fee  
6 paid, the amount of tax paid pursuant to section 423.7, the  
7 type of fuel used, and a description of the vehicle as  
8 determined by the department, and upon the reverse side a form  
9 for notice of transfer of the vehicle.

10 PARAGRAPH DIVIDED. The county treasurer shall maintain in  
11 the county record system information contained on the  
12 registration receipt. The information shall be accessible by  
13 registration number and shall be open for public inspection  
14 during reasonable business hours. Copies the department  
15 requires shall be sent to the department in the manner and at  
16 the time the department directs.

17 PARAGRAPH DIVIDED. The certificate of title shall contain  
18 upon its face the identical information required upon the face  
19 of the registration receipt. In addition, the certificate of  
20 title shall contain a statement of the owner's title, the  
21 amount of tax paid pursuant to section 423.7, the name and  
22 address of the previous owner, and a statement of all security  
23 interests and encumbrances as shown in the application, upon  
24 the vehicle described including the nature of the security  
25 interest, date of notation, and name and address of the  
26 secured party. The certificate shall bear the seal of the  
27 county treasurer or of the department, and the signature of  
28 the county treasurer, ~~or that of~~ the deputy county treasurer,  
29 and or the department director or deputy designee. The  
30 certificate shall provide space for the signature of the  
31 owner. The owner shall sign the certificate of title in the  
32 space provided with pen and ink upon its receipt. The  
33 certificate of title shall contain upon the reverse side a  
34 form for assignment of title or interest and warranty by the  
35 owner, for reassignments by a licensed dealer, and for

1 application for a new certificate of title by the transferee  
2 as provided in this chapter. All certificates of title shall  
3 be typewritten or printed by other mechanical means. The  
4 original certificate of title shall be delivered to the owner  
5 if no security interest or encumbrance appears thereon on it.  
6 Otherwise the certificate of title shall be delivered by the  
7 county treasurer or the department to the person holding the  
8 first security interest or encumbrance as shown in the  
9 certificate.

10 PARAGRAPH DIVIDED. The county treasurer or the department  
11 shall maintain in the county or department records system  
12 information contained on the certificate of title. The  
13 information shall be accessible by title certificate number  
14 for a period of three years from the date of notification of  
15 cancellation of title or that a new title has been issued as  
16 provided in this chapter. Copies the department requires  
17 shall be sent to the department in the manner and at the time  
18 the department directs. The department shall designate a  
19 uniform system of title numbers to indicate the county of  
20 issuance.

21 Sec. 3. Section 321.30, unnumbered paragraph 1, Code 1987,  
22 is amended to read as follows:

23 The department or the county treasurer shall refuse  
24 registration and issuance of a certificate of title or any  
25 transfer of title and registration upon any of the following  
26 grounds:

27 Sec. 4. Section 321.30, subsection 3, Code 1987, is  
28 amended to read as follows:

29 3. That the department or the county treasurer has  
30 reasonable ground to believe that the vehicle is a stolen or  
31 embezzled vehicle or that the granting of registration and  
32 issuance of a certificate of title would constitute a fraud  
33 against the rightful owner.

34 Sec. 5. Section 321.30, unnumbered paragraph 2, Code 1987,  
35 is amended to read as follows:



H-3468

1 Amend House File 527 as follows:

2 1. Page 4, by inserting after line 9 the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 321.46A CHANGE FROM  
5 PROPORTIONAL REGISTRATION -- CREDIT.

6 An owner changing a vehicle's registration from  
7 proportional registration under chapter 326 to  
8 registration under this chapter shall be entitled to a  
9 credit on the vehicle's registration fees under this  
10 chapter. The credit shall be allowed when the owner  
11 surrenders to the county treasurer proof of  
12 proportional registration provided by the department.  
13 The amount of the credit shall be calculated based on  
14 the unexpired complete calendar months remaining in  
15 the registration year from the date the application is  
16 filed with the county treasurer.

17 Sec. \_\_\_\_ . Section 321.126, subsection 4, Code  
18 1987, is amended to read as follows:

19 4. If the motor vehicle is registered by the  
20 county treasurer during the current registration year  
21 and the owner or lessee registers the vehicle for  
22 prorate proportional registration under chapter 326,  
23 the owner of the registered vehicle shall surrender  
24 the registration plates to the county treasurer and  
25 may file a claim for refund. In lieu of a refund, a  
26 credit for the registration fees paid to the county  
27 treasurer may be applied by the department to the  
28 owner or lessee's proportional registration fees upon  
29 the surrender of the county plates and registration.

30 Sec. \_\_\_\_ . Section 321.127, subsection 4, Code  
31 1987, is amended to read as follows:

32 4. Refunds and credits for motor vehicles  
33 registered for prorate proportional registration under  
34 chapter 326 shall be paid or credited on the basis of  
35 unexpired complete calendar months remaining in the  
36 registration year from the date the claim or  
37 application is filed with the department."

38 2. Title page, line 1, by striking the words "to  
39 require" and inserting the following: "relating to  
40 proportional registration by providing for credits of  
41 registration fees when changing the method of  
42 registration of vehicles and by requiring".

H-3468 FILED MARCH 30, 1987 BY KOENIGS of Mitchell

*Adopted 3/31/87 (p. 994)*

Sen. Inaug 4/2/87 L. Pass 4/2/87 (p. 1175)

HOUSE FILE 527  
BY PLATT

(As Amended and Passed by the House March 31, 1987)

Passed House, Date 3/31/87 (p. 527) Passed Senate, Date 4-13-87 (p. 1251)  
Vote: Ayes 91 Nays 0 Vote: Ayes 48 Nays 0  
Approved May 5, 1987 (p. 2007)

**A BILL FOR**

1 An Act relating to proportional registration by providing for  
2 credits of registration fees when changing the method of  
3 registration of vehicles and by requiring owners of vehicles  
4 subject to proportional registration to make application to  
5 either the state department of transportation or the county  
6 treasurer for registration and issuance of certificates of  
7 title, and providing an effective date.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 321.20, unnumbered paragraph 1, Code  
2 1987, is amended to read as follows:

3 Except as provided in this chapter, every an owner of a  
4 vehicle subject to registration shall make application to the  
5 county treasurer, of the county of the owner's residence, or  
6 if a nonresident, to the county treasurer of the county where  
7 the primary users of the vehicle are located, for the  
8 registration and issuance of a certificate of title for the  
9 vehicle upon the appropriate form furnished by the  
10 department. However, upon the transfer of ownership, the  
11 owner of a vehicle subject to the proportional registration  
12 provisions of chapter 326 shall make application for  
13 registration and issuance of a certificate of title to either  
14 the department or the appropriate county treasurer. The  
15 application shall be accompanied by a fee of ten dollars, and  
16 every-application shall bear the owner's signature of-the  
17 owner written with pen and ink. ~~However,~~-a A nonresident  
18 owner of two or more vehicles subject to registration may make  
19 application for registration and issuance of a certificate of  
20 title for all vehicles subject to registration to the county  
21 treasurer of the county where the primary user of any of the  
22 vehicles is located. The owner of a mobile home shall make  
23 application for a certificate of title under this section.  
24 The application shall contain:

25 Sec. 2. Section 321.24, unnumbered paragraph 1, Code 1987,  
26 is amended to read as follows:

27 Upon receipt of the application for title and payment of  
28 the required fees for motor vehicle, trailer, or semitrailer,  
29 the county treasurer or the department shall, when satisfied  
30 as to the application's genuineness and regularity, and, in  
31 the case of a mobile home, that taxes are not owing under  
32 chapter 135D, issue a certificate of title and, except for a  
33 mobile home, a registration receipt and shall file the  
34 application, the manufacturer's or importer's certificate,  
35 certificate of title, or other evidence of ownership, as



1 prescribed by the department. The registration receipt shall  
2 be delivered to the owner and shall contain upon its face the  
3 date issued, the name and address of the owner, the  
4 registration number assigned to the vehicle, the title number  
5 assigned to the owner of the vehicle, the amount of the fee  
6 paid, the amount of tax paid pursuant to section 423.7, the  
7 type of fuel used, and a description of the vehicle as  
8 determined by the department, and upon the reverse side a form  
9 for notice of transfer of the vehicle.

10 PARAGRAPH DIVIDED. The county treasurer shall maintain in  
11 the county record system information contained on the  
12 registration receipt. The information shall be accessible by  
13 registration number and shall be open for public inspection  
14 during reasonable business hours. Copies the department  
15 requires shall be sent to the department in the manner and at  
16 the time the department directs.

17 PARAGRAPH DIVIDED. The certificate of title shall contain  
18 upon its face the identical information required upon the face  
19 of the registration receipt. In addition, the certificate of  
20 title shall contain a statement of the owner's title, the  
21 amount of tax paid pursuant to section 423.7, the name and  
22 address of the previous owner, and a statement of all security  
23 interests and encumbrances as shown in the application, upon  
24 the vehicle described including the nature of the security  
25 interest, date of notation, and name and address of the  
26 secured party. The certificate shall bear the seal of the  
27 county treasurer or of the department, and the signature of  
28 the county treasurer, or-that-of the deputy county treasurer,  
29 and or the department director or deputy designee. The  
30 certificate shall provide space for the signature of the  
31 owner. The owner shall sign the certificate of title in the  
32 space provided with pen and ink upon its receipt. The  
33 certificate of title shall contain upon the reverse side a  
34 form for assignment of title or interest and warranty by the  
35 owner, for reassignments by a licensed dealer, and for

1 application for a new certificate of title by the transferee  
2 as provided in this chapter. All certificates of title shall  
3 be typewritten or printed by other mechanical means. The  
4 original certificate of title shall be delivered to the owner  
5 if no security interest or encumbrance appears thereon on it.  
6 Otherwise the certificate of title shall be delivered by the  
7 county treasurer or the department to the person holding the  
8 first security interest or encumbrance as shown in the  
9 certificate.

10 PARAGRAPH DIVIDED. The county treasurer or the department  
11 shall maintain in the county or department records system  
12 information contained on the certificate of title. The  
13 information shall be accessible by title certificate number  
14 for a period of three years from the date of notification of  
15 cancellation of title or that a new title has been issued as  
16 provided in this chapter. Copies the department requires  
17 shall be sent to the department in the manner and at the time  
18 the department directs. The department shall designate a  
19 uniform system of title numbers to indicate the county of  
20 issuance.

21 Sec. 3. Section 321.30, unnumbered paragraph 1, Code 1987,  
22 is amended to read as follows:

23 The department or the county treasurer shall refuse  
24 registration and issuance of a certificate of title or any  
25 transfer of title and registration upon any of the following  
26 grounds:

27 Sec. 4. Section 321.30, subsection 3, Code 1987, is  
28 amended to read as follows:

29 3. That the department or the county treasurer has  
30 reasonable ground to believe that the vehicle is a stolen or  
31 embezzled vehicle or that the granting of registration and  
32 issuance of a certificate of title would constitute a fraud  
33 against the rightful owner.

34 Sec. 5. Section 321.30, unnumbered paragraph 2, Code 1987,  
35 is amended to read as follows:

1 The department or the county treasurer shall also refuse  
2 registration of any a vehicle if the applicant for  
3 registration of such the vehicle has failed to pay the  
4 required registration fees of any vehicle owned or previously  
5 owned when the registration fee was required to be paid by the  
6 applicant, and for which vehicle the registration was  
7 suspended or revoked ~~under the provisions of~~ section 321.101,  
8 subsection 4, until such the fees are paid together with any  
9 accrued penalties.

10 Sec. 6. NEW SECTION. 321.46A CHANGE FROM PROPORTIONAL  
11 REGISTRATION -- CREDIT.

12 An owner changing a vehicle's registration from  
13 proportional registration under chapter 326 to registration  
14 under this chapter shall be entitled to a credit on the  
15 vehicle's registration fees under this chapter. The credit  
16 shall be allowed when the owner surrenders to the county  
17 treasurer proof of proportional registration provided by the  
18 department. The amount of the credit shall be calculated  
19 based on the unexpired complete calendar months remaining in  
20 the registration year from the date the application is filed  
21 with the county treasurer.

22 Sec. 7. Section 321.126, subsection 4, Code 1987, is  
23 amended to read as follows:

24 4. If the motor vehicle is registered by the county  
25 treasurer during the current registration year and the owner  
26 or lessee registers the vehicle for prorate proportional  
27 registration under chapter 326, the owner of the registered  
28 vehicle shall surrender the registration plates to the county  
29 treasurer and may file a claim for refund. In lieu of a  
30 refund, a credit for the registration fees paid to the county  
31 treasurer may be applied by the department to the owner or  
32 lessee's proportional registration fees upon the surrender of  
33 the county plates and registration.

34 Sec. 8. Section 321.127, subsection 4, Code 1987, is  
35 amended to read as follows:

1     4. Refunds and credits for motor vehicles registered for  
2 prorate proportional registration under chapter 326 shall be  
3 paid or credited on the basis of unexpired complete calendar  
4 months remaining in the registration year from the date the  
5 claim or application is filed with the department.

6     Sec. 9. Section 326.30, Code 1987, is amended to read as  
7 follows:

8     326.30 MOTOR VEHICLE LAW APPLICABLE.

9     All provisions of chapter 321 insofar as applicable, are  
10 ~~hereby-specifically~~ extended to include owners who register  
11 and title vehicles in this state on a proportional  
12 registration basis or who operate interstate on Iowa highways  
13 under reciprocity.

14     Sec. 10. Section 326.45, Code 1987, is amended to read as  
15 follows:

16     326.45 ISSUANCE -- TITLE OBLIGATION.

17     Upon receiving application for and payment of the  
18 registration fee and notification of title ~~from-the-county~~  
19 ~~treasurer~~, the department shall issue registration  
20 identification to the applicant carrier and send the  
21 certificate of title to the vehicle owner or lienholder. The  
22 department shall adopt rules pursuant to chapter 17A to  
23 process registration of vehicles titled in other states.

24     Sec. 11. This Act takes effect on January 1, 1988.

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## HOUSE FILE 527

## AN ACT

RELATING TO PROPORTIONAL REGISTRATION BY PROVIDING FOR CREDITS OF REGISTRATION FEES WHEN CHANGING THE METHOD OF REGISTRATION OF VEHICLES AND BY REQUIRING OWNERS OF VEHICLES SUBJECT TO PROPORTIONAL REGISTRATION TO MAKE APPLICATION TO EITHER THE STATE DEPARTMENT OF TRANSPORTATION OR THE COUNTY TREASURER FOR REGISTRATION AND ISSUANCE OF CERTIFICATES OF TITLE, AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.20, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Except as provided in this chapter, every an owner of a vehicle subject to registration shall make application to the county treasurer, of the county of the owner's residence, or if a nonresident to the county treasurer of the county where the primary users of the vehicle are located, for the registration and issuance of a certificate of title for the vehicle upon the appropriate form furnished by the department. However, upon the transfer of ownership, the owner of a vehicle subject to the proportional registration provisions of chapter 326 shall make application for registration and issuance of a certificate of title to either the department or the appropriate county treasurer. The application shall be accompanied by a fee of ten dollars, and every application shall bear the owner's signature of the owner written with pen and ink. However, a nonresident owner of two or more vehicles subject to registration may make application for registration and issuance of a certificate of title for all vehicles subject to registration to the county treasurer of the county where the primary user of any of the vehicles is located. The owner of a mobile home shall make

application for a certificate of title under this section. The application shall contain:

Sec. 2. Section 321.24, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Upon receipt of the application for title and payment of the required fees for motor vehicle, trailer, or semitrailer, the county treasurer or the department shall, when satisfied as to the application's genuineness and regularity, and, in the case of a mobile home, that taxes are not owing under chapter 135D, issue a certificate of title and, except for a mobile home, a registration receipt and shall file the application, the manufacturer's or importer's certificate, certificate of title, or other evidence of ownership, as prescribed by the department. The registration receipt shall be delivered to the owner and shall contain upon its face the date issued, the name and address of the owner, the registration number assigned to the vehicle, the title number assigned to the owner of the vehicle, the amount of the fee paid, the amount of tax paid pursuant to section 423.7, the type of fuel used, and a description of the vehicle as determined by the department, and upon the reverse side a form for notice of transfer of the vehicle.

PARAGRAPH DIVIDED. The county treasurer shall maintain in the county record system information contained on the registration receipt. The information shall be accessible by registration number and shall be open for public inspection during reasonable business hours. Copies the department requires shall be sent to the department in the manner and at the time the department directs.

PARAGRAPH DIVIDED. The certificate of title shall contain upon its face the identical information required upon the face of the registration receipt. In addition, the certificate of title shall contain a statement of the owner's title, the amount of tax paid pursuant to section 423.7, the name and address of the previous owner, and a statement of all security

interests and encumbrances as shown in the application, upon the vehicle described including the nature of the security interest, date of notation, and name and address of the secured party. The certificate shall bear the seal of the county treasurer or of the department, and the signature of the county treasurer, ~~or that of the deputy county treasurer,~~ and or the department director or deputy designee. The certificate shall provide space for the signature of the owner. The owner shall sign the certificate of title in the space provided with pen and ink upon its receipt. The certificate of title shall contain upon the reverse side a form for assignment of title or interest and warranty by the owner, for reassignments by a licensed dealer, and for application for a new certificate of title by the transferee as provided in this chapter. All certificates of title shall be typewritten or printed by other mechanical means. The original certificate of title shall be delivered to the owner if no security interest or encumbrance appears thereon on it. Otherwise the certificate of title shall be delivered by the county treasurer or the department to the person holding the first security interest or encumbrance as shown in the certificate.

PARAGRAPH DIVIDED. The county treasurer or the department shall maintain in the county or department records system information contained on the certificate of title. The information shall be accessible by title certificate number for a period of three years from the date of notification of cancellation of title or that a new title has been issued as provided in this chapter. Copies the department requires shall be sent to the department in the manner and at the time the department directs. The department shall designate a uniform system of title numbers to indicate the county of issuance.

Sec. 3. Section 321.30, Unnumbered paragraph 1, Code 1987, is amended to read as follows:

The department or the county treasurer shall refuse registration and issuance of a certificate of title or any transfer of title and registration upon any of the following grounds:

Sec. 4. Section 321.30, subsection 3, Code 1987, is amended to read as follows:

3. That the department or the county treasurer has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration and issuance of a certificate of title would constitute a fraud against the rightful owner.

Sec. 5. Section 321.30, unnumbered paragraph 2, Code 1987, is amended to read as follows:

The department or the county treasurer shall also refuse registration of any a vehicle if the applicant for registration of such the vehicle has failed to pay the required registration fees of any vehicle owned or previously owned when the registration fee was required to be paid by the applicant, and for which vehicle the registration was suspended or revoked under ~~the provisions of~~ section 321.101, subsection 4, until such the fees are paid together with any accrued penalties.

Sec. 6. NEW SECTION. 321.46A CHANGE FROM PROPORTIONAL REGISTRATION -- CREDIT.

An owner changing a vehicle's registration from proportional registration under chapter 326 to registration under this chapter shall be entitled to a credit on the vehicle's registration fees under this chapter. The credit shall be allowed when the owner surrenders to the county treasurer proof of proportional registration provided by the department. The amount of the credit shall be calculated based on the unexpired complete calendar months remaining in the registration year from the date the application is filed with the county treasurer.

Sec. 7. Section 321.126, subsection 4, Code 1987, is amended to read as follows:

4. If the motor vehicle is registered by the county treasurer during the current registration year and the owner or lessee registers the vehicle for prorate proportional registration under chapter 326, the owner of the registered vehicle shall surrender the registration plates to the county treasurer and may file a claim for refund. In lieu of a refund, a credit for the registration fees paid to the county treasurer may be applied by the department to the owner or lessee's proportional registration fees upon the surrender of the county plates and registration.

Sec. 8. Section 321.127, subsection 4, Code 1987, is amended to read as follows:

4. Refunds and credits for motor vehicles registered for prorated proportional registration under chapter 326 shall be paid or credited on the basis of unexpired complete calendar months remaining in the registration year from the date the claim or application is filed with the department.

Sec. 9. Section 326.30, Code 1987, is amended to read as follows:

326.30 MOTOR VEHICLE LAW APPLICABLE.

All provisions of chapter 321 insofar as applicable, are hereby ~~specifically~~ extended to include owners who register and title vehicles in this state on a proportional registration basis or who operate interstate on Iowa highways under reciprocity.

Sec. 10. Section 326.45, Code 1987, is amended to read as follows:

326.45 ISSUANCE -- TITLE OBLIGATION.

Upon receiving application for and payment of the registration fee and notification of title ~~from the county~~ treasurer, the department shall issue registration identification to the applicant carrier and send the certificate of title to the vehicle owner or lienholder. The

department shall adopt rules pursuant to chapter 17A to process registration of vehicles titled in other states.

Sec. 11. This Act takes effect on January 1, 1988.

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DONALD D. AVENSON  
Speaker of the House

\_\_\_\_\_  
JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 527, Seventy-second General Assembly.

Approved Moys, 1987

\_\_\_\_\_  
JOSEPH O'HERN  
Chief Clerk of the House

\_\_\_\_\_  
TERRY E. BRANSTAD  
Governor