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**STATE OF IOWA**

**House Journal**

**TUESDAY, MARCH 25, 2008**

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Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the office of the Chief Clerk. (The official bound copy will be available after a reasonable time upon adjournment.)

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# JOURNAL OF THE HOUSE

Seventy-second Calendar Day - Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 25, 2008

The House met pursuant to adjournment at 9:06 a.m., Speaker Murphy in the chair.

Prayer was offered by Dr. Wesley Daniels, Superintendent for the United Methodist Conference. He was the guest of Representative Mark Davitt of Warren County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Bonnie Brown, House Page for Majority Leader McCarthy of Polk.

The Journal of Monday, March 24, 2008 was approved.

## INTRODUCTION OF BILLS

[House File 2662](#), by committee on appropriations, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

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

[House File 2663](#), by committee on ways and means, 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.

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

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2134](#), a bill for an act relating to requirements and duties of members, directors, and employees of county commissions of veteran affairs.

Also: That the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

[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.

Also: That the Senate has on March 24, 2008, passed the following bill in which the concurrence of the House is asked:

[Senate File 2400](#), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

MICHAEL E. MARSHALL, Secretary

Whitaker of Van Buren asked and received unanimous consent for the immediate consideration of [House Resolution 130](#).

ADOPTION OF [HOUSE RESOLUTION 130](#)

H. Miller of Webster, Abdul-Samad of Polk and Berry of Black Hawk called up for consideration [House Resolution 130](#), a resolution recognizing the visit of five distinguished women leaders from Nigeria, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Whitaker of Van Buren, the House was recessed at 9:20 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:10 p.m., Speaker Murphy in the chair.

## SENATE MESSAGES CONSIDERED

[Senate File 2134](#), by committee on veterans affairs, a bill for an act relating to requirements and duties of members, executive directors, and employees of county commissions of veteran affairs.

Read first time and referred to committee on **veterans affairs**.

[Senate File 2350](#), by committee on judiciary, a bill for an act relating to trusts and estates including the administration of small estates, and including retroactive and other applicability provisions.

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

[Senate File 2400](#), by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters and providing an effective date.

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

## SPECIAL PRESENTATION

Roberts of Carroll and Jacoby of Johnson introduced to the House, students from Iowa State University whom are participating in government policy research. They were accompanied by Professor Tom Rice whom addressed the House briefly regarding the program.

The House rose and expressed its welcome.

On motion by McCarthy of Polk, the House was recessed at 1:14 p.m., until 5:30 p.m.

## EVENING SESSION

The House reconvened at 5:58 p.m., Dandekar of Linn 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 March 25, 2008, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

[Senate File 2154](#), a bill for an act relating to inclined or vertical wheelchair lifts regulated by the elevator safety board.

MICHAEL E. MARSHALL, Secretary

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-eight members present, two absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kaufmann of Cedar on request of Paulsen of Linn.

## CONSIDERATION OF BILLS Regular Calendar

[House File 2553](#), a bill for an act relating to per diem compensation for directors of the Iowa soybean association board, was taken up for consideration.

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?" ([H.F. 2553](#))

The ayes were, 98:

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

The nays were, 1:

Frevert

Absent or not voting, 1:

Kaufmann

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

[House File 2601](#), a bill for an act providing for the state interagency Missouri river authority, 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?" ([H.F. 2601](#))

The ayes were, 99:

Abdul-Samad	Alons	Anderson	Arnold
Bailey	Baudler	Bell	Berry
Boal	Bukta	Chambers	Clute
Cohoon	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	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
Wienczek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Dandekar, Presiding	

The nays were, none.

Absent or not voting, 1:

Kaufmann

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

### SPECIAL PRESENTATION

Roberts of Carroll introduced to the House the honorable Gene Manternach, former state representative from Jones County.

The House rose and expressed its welcome.

**House File 2651**, a bill for an act relating to policies for the administration of highways and the regulation of motor vehicles by the department of transportation and to deposits made by a county to the secondary road fund, physical ability tests required for fire fighter applicants, and certain obligations guaranteed by highway funds including matters concerning the bid threshold for emergency highway repairs, the fee for replacement of special dealer registration plates, antique motor vehicle registration fees, used motor vehicle dealer education requirements, disqualification from operating a commercial motor vehicle, an exemption from the civil penalty imposed for certain driver's license sanctions, access to persons with disabilities parking spaces for certain disabled veterans, and permits and fees for the movement of certain oversize or overweight vehicles,

drinking driver courses offered at state correctional facilities, and the defeasance of petroleum underground storage tank fund bonds, and providing an effective date, was taken up for consideration.

Paulsen of Linn asked and received unanimous consent to withdraw amendment [H-8236](#) filed by Kaufmann of Cedar on March 19, 2008.

Huser of Polk offered amendment [H-8270](#) filed by her and Raecker of Polk as follows:

[H-8270](#)

1 Amend [House File 2651](#) as follows:

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

4 "Sec.\_\_\_\_. Section 321.34, Code Supplement 2007,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 7A. COLLEGIATE PLATES – PRIVATE  
7 FOUR-YEAR COLLEGES AND UNIVERSITIES.

8 a. Upon application by a private four-year college  
9 or university located in this state and payment of the  
10 initial set-up costs for establishing the collegiate  
11 plate, the department, in consultation with the  
12 college or university, may design a special collegiate  
13 registration plate displaying the colors associated  
14 with the college or university.

15 b. Upon application and payment of the proper  
16 fees, the director may issue to the owner of a motor  
17 vehicle, trailer, or travel trailer registered in this  
18 state, collegiate registration plates created pursuant  
19 to this subsection. The fee for the issuance of  
20 collegiate registration plates is twenty-five dollars,  
21 which fee is in addition to the regular annual  
22 registration fee for the vehicle. An applicant may  
23 obtain a personalized collegiate registration plate  
24 upon payment of the additional fee for a personalized  
25 plate as provided in subsection 5 in addition to the  
26 collegiate plate fee and the regular registration fee.  
27 The county treasurer shall validate collegiate  
28 registration plates issued under this subsection in  
29 the same manner as regular registration plates, upon  
30 payment of five dollars in addition to the regular  
31 annual registration fee. Upon receipt of the  
32 collegiate registration plates, the applicant shall  
33 surrender the regular registration plates to the  
34 county treasurer.

35 c. A personalized collegiate registration plate  
36 shall not be issued if its combination of alphanumeric

37 characters are identical to those contained on a  
38 current personalized registration plate issued under  
39 subsection 5. However, the owner of a motor vehicle  
40 who has a personalized registration plate issued for  
41 the motor vehicle may, after proper application and  
42 payment of fees, be issued a collegiate registration  
43 plate containing the same alphanumeric characters as  
44 those on the personalized plate. Upon receipt of the  
45 collegiate registration plates, the owner shall  
46 surrender the personalized registration plates to the  
47 county treasurer."

48 2. Page 1, by inserting after line 19 the  
49 following:  
50 "Sec.\_\_\_\_. Section 321.166, subsection 5, Code

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1 2007, is amended to read as follows:

2 5. There shall be a marked contrast between the  
3 color of the registration plates and the data which is  
4 required to be displayed on the registration plates.  
5 When a new series of registration plates is issued to  
6 replace a current series, the new registration plates  
7 shall be of a distinctively different color from the  
8 series which is replaced, except for collegiate  
9 registration plates issued under section 321.34,  
10 subsection 7 or 7A."

11 3. Title page, line 7, by inserting after the  
12 word "repairs," the following: "providing for new  
13 collegiate motor vehicle registration plates and  
14 providing fees,".

15 4. By renumbering as necessary.

Raecker of Polk offered the following amendment [H-8292](#), to amendment [H-8270](#), filed by him from the floor and moved its adoption:

[H-8292](#)

1 Amend the amendment, [H-8270](#), to [House File 2651](#) as  
2 follows:

3 1. By striking page 1, line 1, through page 2,  
4 line 15, and inserting the following:

5 "Amend [House File 2651](#) as follows:

6 \_\_\_\_\_. Page 1, by inserting after line 4 the  
7 following:

8 "Sec.\_\_\_\_. Section 321.34, subsection 7, paragraph  
9 a, Code Supplement 2007, is amended to read as

10 follows:

11 a. Upon application and payment of the proper  
12 fees, the director may issue to the owner of a motor

13 vehicle subject to registration under section 321.109,  
14 subsection 1, motor truck, motor home, multipurpose  
15 vehicle, trailer over two thousand pounds, or travel  
16 trailer registered in this state, collegiate  
17 registration plates created pursuant to this  
18 subsection. Upon receipt of the collegiate  
19 registration plates, the applicant shall surrender the  
20 regular registration plates to the county treasurer.  
21 Sec. \_\_\_\_ Section 321.34, Code Supplement 2007, is  
22 amended by adding the following new subsection:  
23 NEW SUBSECTION. 7A. COLLEGIATE PLATES – PRIVATE  
24 FOUR-YEAR COLLEGES AND UNIVERSITIES.  
25 a. Upon application by a private four-year college  
26 or university located in this state and payment of the  
27 initial set-up costs for establishing the collegiate  
28 plate, the department, in consultation with the  
29 college or university, may design a special collegiate  
30 registration plate displaying the colors associated  
31 with the college or university.  
32 b. Upon application and payment of the proper  
33 fees, the director may issue to the owner of a motor  
34 vehicle subject to registration under section 321.109,  
35 subsection 1, motor truck, motor home, multipurpose  
36 vehicle, trailer over two thousand pounds, or travel  
37 trailer registered in this state, collegiate  
38 registration plates created pursuant to this  
39 subsection. The fee for the issuance of collegiate  
40 registration plates is twenty-five dollars, which fee  
41 is in addition to the regular annual registration fee  
42 for the vehicle. An applicant may obtain a  
43 personalized collegiate registration plate upon  
44 payment of the additional fee for a personalized plate  
45 as provided in subsection 5 in addition to the  
46 collegiate plate fee and the regular registration fee.  
47 The county treasurer shall validate collegiate  
48 registration plates issued under this subsection in  
49 the same manner as regular registration plates, upon  
50 payment of five dollars in addition to the regular

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1 annual registration fee. Upon receipt of the  
2 collegiate registration plates, the applicant shall  
3 surrender the regular registration plates to the  
4 county treasurer.  
5 c. A personalized collegiate registration plate  
6 shall not be issued if its combination of alphanumeric  
7 characters are identical to those contained on a  
8 current personalized registration plate issued under  
9 subsection 5. However, the owner of a motor vehicle  
10 who has a personalized registration plate issued for  
11 the motor vehicle may, after proper application and

12 payment of fees, be issued a collegiate registration  
13 plate containing the same alphanumeric characters as  
14 those on the personalized plate. Upon receipt of the  
15 collegiate registration plates, the owner shall  
16 surrender the personalized registration plates to the  
17 county treasurer."

18 \_\_\_\_\_. Page 1, by inserting after line 19 the  
19 following:

20 "Sec.\_\_\_\_. Section 321.166, subsection 5, Code  
21 2007, is amended to read as follows:

22 5. There shall be a marked contrast between the  
23 color of the registration plates and the data which is  
24 required to be displayed on the registration plates.  
25 When a new series of registration plates is issued to  
26 replace a current series, the new registration plates  
27 shall be of a distinctively different color from the  
28 series which is replaced, except for collegiate  
29 registration plates issued under section 321.34,  
30 subsection 7 or 7A."

31 \_\_\_\_\_. Title page, line 7, by inserting after the  
32 word "repairs," the following: "providing for new  
33 collegiate motor vehicle registration plates and  
34 providing fees,"

35 \_\_\_\_\_. By renumbering as necessary."

Amendment [H-8292](#) was adopted.

On motion by Huser of Polk, amendment [H-8270](#), as amended,  
was adopted.

Van Fossen of Scott offered the following amendment [H-8261](#) filed  
by him and moved its adoption:

[H-8261](#)

1 Amend [House File 2651](#) as follows:

2 1. Page 2, by inserting after line 10 the  
3 following:

4 "Sec.\_\_\_\_. Section 321.236, subsection 1,  
5 unnumbered paragraph 1, Code Supplement 2007, is  
6 amended to read as follows:

7 Regulating the standing or parking of vehicles,  
8 except as provided in section 321L.4, subsection 2A."

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

11 "Sec.\_\_\_\_. Section 321L.4, subsection 1, Code  
12 2007, is amended to read as follows:

13 1. A persons with disabilities parking permit  
14 shall be displayed in a motor vehicle as a removable  
15 windshield placard or on a vehicle as a plate or

16 sticker as provided in section 321L.2 when being used  
 17 by a person with a disability, either as an operator  
 18 or passenger. Each removable windshield placard shall  
 19 be of uniform design and fabricated of durable  
 20 material, suitable for display from within the  
 21 passenger compartment of a motor vehicle, and readily  
 22 transferable from one vehicle to another. The placard  
 23 shall only be displayed when the motor vehicle is  
 24 parked in a persons with disabilities parking space or  
 25 a parking space controlled by a parking meter, except  
 26 as provided in section 321L.2A.

27 Sec.\_\_\_\_. Section 321L.4, Code 2007, is amended by  
 28 adding the following new subsection:

29 NEW SUBSECTION. 2A. A person properly displaying  
 30 a persons with disabilities parking permit may park in  
 31 a metered parking space controlled by a local  
 32 authority free of charge."

33 3. Title page, line 13, by inserting after the  
 34 word "spaces" the following: "and metered parking  
 35 spaces".

36 4. Title page, line 13, by striking the word  
 37 "veterans," and inserting the following: "persons,".

38 5. By renumbering as necessary.

Amendment [H-8261](#) lost.

Jochum of Dubuque in the chair at 6:34 p.m.

Huser of Polk asked and received unanimous consent that  
 amendment [H-8150](#) be deferred.

Huser of Polk offered amendment [H-8241](#) filed by her as follows:

[H-8241](#)

1 Amend [House File 2651](#) as follows:

2 1. Page 8, by inserting after line 19 the  
 3 following:

4 "Sec.\_\_\_\_. Section 331.382, subsection 8,  
 5 unnumbered paragraph 2, Code 2007, is amended to read  
 6 as follows:

7 However, the board may assume and exercise the  
 8 powers and duties of a governing body under chapter  
 9 357, 357A, 357B, 358 or chapter 468, subchapter III,  
 10 if a governing body established under one of those  
 11 chapters has insufficient membership to perform its  
 12 powers and duties, and the board, upon petition of the  
 13 number of property owners within a proposed district  
 14 and filing of a bond as provided in section 357A.2,

15 may establish a service district within the  
16 unincorporated area of the county and exercise within  
17 the district the powers and duties granted in chapter  
18 357, 357A, 357B, 357C, 357I, 358, 359, 384, division  
19 IV, or chapter 468, subchapter III."

20 2. Page 9, by inserting after line 19 the  
21 following:

22 "Sec.     . NEW SECTION. 357I.1 DEFINITIONS.

23 As used in this chapter, unless the context  
24 otherwise requires:

25 1. "Board" means the board of supervisors of a  
26 county.

27 2. "Book", "list", "record", or "schedule" kept by  
28 a county auditor, assessor, treasurer, recorder,  
29 sheriff, or other county officer means the county  
30 system as defined in section 445.1.

31 3. "District" means a benefited secondary road  
32 services district.

33 4. "Trustee" means a trustee of a district.

34 Sec.     . NEW SECTION. 357I.2 PETITION FOR  
35 PUBLIC HEARING.

36 1. The board shall, on the petition of twenty-five  
37 percent of the resident property owners in a proposed  
38 district if the assessed valuation of the property  
39 owned by the petitioners represents at least  
40 twenty-five percent of the total assessed value of the  
41 proposed district, hold a public hearing concerning  
42 the establishment of a proposed district. The  
43 petition shall include a statement containing the  
44 following information:

45 a. The need for secondary road services.

46 b. The district to be served.

47 c. The approximate number of families in the  
48 district.

49 d. A general description of the secondary road  
50 services to be provided in the district.

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1 2. The board may require a bond of the petitioners  
2 conditioned for the payment of all costs and expenses  
3 incurred in the proceedings in case the district is  
4 not established.

5 Sec.     . NEW SECTION. 357I.3 LIMITATION ON  
6 AREA.

7 A district may include all or parts of the  
8 unincorporated areas of one township and any  
9 unincorporated areas of adjoining townships or parts  
10 of adjoining townships.

11 Sec.     . NEW SECTION. 357I.4 TIME OF HEARING.

12 The public hearing required in section 357I.2 shall  
13 be held within thirty days of the presentation of the

14 petition. Notice of hearing shall be given by  
 15 publication in two successive issues of any newspaper  
 16 of general circulation within the district. The last  
 17 publication shall be not less than one week before the  
 18 proposed hearing.

19 Sec.\_\_\_\_. NEW SECTION. 357I.5 ACTION BY BOARD.

20 After, and within ten days of, the hearing, the  
 21 board shall either establish the district by  
 22 resolution or disallow the petition.

23 Sec.\_\_\_\_. NEW SECTION. 357I.6 ENGINEER.

24 1. When the board establishes a district, the  
 25 board shall appoint a competent disinterested civil  
 26 engineer, who shall prepare a preliminary plat  
 27 showing:

28 a. The proper design in general outline of the  
 29 district.

30 b. The lots and parcels of land within the  
 31 proposed district as they appear on the county  
 32 auditor's plat books with the names of the owners.

33 c. The assessed valuation of the lots and parcels.

34 2. The compensation of the engineer on the  
 35 preliminary investigation shall be determined by the  
 36 board. The engineer shall file a report with the  
 37 county auditor within thirty days of appointment. The  
 38 board may extend the time upon good cause shown.

39 Sec.\_\_\_\_. NEW SECTION. 357I.7 HEARING ON  
 40 ENGINEER'S REPORT.

41 After the engineer's report is filed, the board  
 42 shall give notice, as provided in section 357I.4, of a  
 43 public hearing to be held concerning the engineer's  
 44 preliminary plat.

45 Sec.\_\_\_\_. NEW SECTION. 357I.8 ELECTION ON  
 46 PROPOSED LEVY AND CANDIDATES FOR TRUSTEES.

47 When a preliminary plat has been approved by the  
 48 board, an election shall be held within the district  
 49 within sixty days to approve or disapprove the levy of  
 50 a tax not to exceed in any fiscal year one dollar per

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1 thousand dollars of assessed value on all the taxable  
 2 property within the district and to choose candidates  
 3 for the offices of trustees of the district. Notice  
 4 of the election, including the time and place of  
 5 holding the election, shall be given as provided in  
 6 section 357I.4. The vote shall be by ballot which  
 7 shall state clearly the proposition to be voted upon  
 8 and any registered voter residing within the district  
 9 at the time of the election may vote. It is not  
 10 mandatory for the county commissioner of elections to  
 11 conduct elections held pursuant to this chapter, but  
 12 the elections shall be conducted in accordance with

13 chapter 49 where not in conflict with this chapter.  
14 Judges shall be appointed to serve without pay by the  
15 board from among the registered voters of the district  
16 to be in charge of the election. The proposition is  
17 approved if sixty percent of those voting on the  
18 proposition vote in favor of it.  
19 Sec.\_\_\_\_. NEW SECTION. 357I.9 TRUSTEES – TERM  
20 AND QUALIFICATION.  
21 At the election, the names of up to three  
22 candidates for trustee shall be written in by the  
23 voters on blank ballots without formal nomination and  
24 the board shall appoint three from among the five  
25 receiving the highest number of votes as trustees for  
26 the district. One trustee shall be appointed to serve  
27 for one year, one for two years, and one for three  
28 years. The trustees and their successors must be  
29 residents of the district and shall give bond in the  
30 amount required by the board, the premium of which  
31 shall be paid by the district. Vacancies shall be  
32 filled by election, but if there are no candidates for  
33 a trustee office, the vacancy may be filled by  
34 appointment by the board. The term of succeeding  
35 trustees shall be three years.  
36 Sec.\_\_\_\_. NEW SECTION. 357I.10 TRUSTEES' POWERS.  
37 The trustees may contract with the county for road  
38 paving, reconstruction, or maintenance services not  
39 otherwise provided by the county on roads within the  
40 district and may certify for levy an annual tax as  
41 provided in section 357I.8. The trustees may purchase  
42 material and perform all other acts necessary to  
43 properly maintain and operate the district. The  
44 trustees are allowed necessary expenses in the  
45 discharge of their duties, but they shall not receive  
46 a salary.  
47 Sec.\_\_\_\_. NEW SECTION. 357I.11 BONDS IN  
48 ANTICIPATION OF REVENUE.  
49 A district may anticipate the collection of taxes  
50 by the levy authorized in this chapter, and to carry

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1 out the purposes of this chapter may issue bonds  
2 payable in not more than ten equal installments with  
3 the rate of interest not exceeding that permitted by  
4 chapter 74A. An indebtedness shall not be incurred  
5 under this chapter until authorized by an election.  
6 The election shall be held and notice given in the  
7 same manner as provided in section 357I.8, and the  
8 same sixty percent vote shall be necessary to  
9 authorize indebtedness. Both propositions may be  
10 submitted to the voters at the same election.  
11 Sec.\_\_\_\_. NEW SECTION. 357I.12 DISSOLUTION OF

12 DISTRICT.

13 Upon petition of thirty-five percent of the  
14 resident eligible electors, the board may dissolve a  
15 district and dispose of any remaining property, the  
16 proceeds of which shall first be applied against  
17 outstanding obligations and any balance shall be  
18 applied to tax credit of property owners of the  
19 district. However, if the district is annexed, the  
20 board of supervisors may transfer the remaining  
21 property and balance to the city which annexed the  
22 territory. The board shall continue to levy a tax  
23 after dissolution of a district, of not to exceed  
24 twenty-seven cents per thousand dollars of assessed  
25 value on all the taxable property of the district,  
26 until all outstanding obligations of the district are  
27 paid.

28 Sec.\_\_\_\_. NEW SECTION. 357I.13 INCORPORATION OF  
29 DISTRICT LAND.

30 If part of a district is incorporated by a city and  
31 there are outstanding indebtedness obligations against  
32 the district, the city shall pay the outstanding  
33 obligations against the part of the district which is  
34 incorporated by the city.

35 Sec.\_\_\_\_. NEW SECTION. 357I.14 ADDING PROPERTY  
36 TO DISTRICT.

37 The owner of any property in an unincorporated area  
38 contiguous to the boundaries of an established  
39 district may petition the board to be included in the  
40 district. Upon receipt of the petition, the board  
41 shall submit the request to a competent disinterested  
42 civil engineer to investigate the feasibility of  
43 adding the additional territory and to make a report  
44 to the board. If the board agrees that the property  
45 should be added to the district, the tax levy for the  
46 next year shall be applied to the property and on the  
47 first day of the next fiscal year the property shall  
48 become a part of the district. If the district lies  
49 in more than one county the joint action of the boards  
50 involved is required to add additional territory.

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1 Sec.\_\_\_\_. NEW SECTION. 357I.15 DETERMINATION OF  
2 FEE.

- 3 1. The owner of any property joining an  
4 established district shall pay to the trustees of the  
5 district an initial fee to be computed as follows:  
6 a. The trustees shall first determine fair market  
7 value of all property and improvements owned by the  
8 district, less the amount of debt incurred by the  
9 district, if any.  
10 b. The board shall then determine the assessed

- 11 value of all property in the district. This shall be  
12 divided into the value determined in paragraph "a".  
13 c. The board shall determine the assessed value of  
14 the property of each landowner joining the established  
15 district.  
16 d. The result obtained in paragraph "b" shall be  
17 multiplied by the result obtained in paragraph "c".  
18 The result shall be the initial fee to be charged each  
19 landowner.  
20 2. The initial fees paid to the trustees shall be  
21 used to help defray the cost of the district's  
22 secondary road services."  
23 3. Title page, lines 2 and 3, by striking the  
24 words "by the department of transportation".  
25 4. Title page, line 16, by inserting after the  
26 word "facilities," the following: "establishment of  
27 benefited secondary road services districts,".  
28 5. By renumbering as necessary.

Huser of Polk offered the following amendment [H-8306](#), to amendment [H-8241](#), filed by her from the floor and moved its adoption:

[H-8306](#)

- 1 Amend the amendment, [H-8241](#), to [House File 2651](#), as  
2 follows:  
3 1. Page 1, line 50, by inserting after the word  
4 "district" the following: "by the county".  
5 2. Page 3, by striking lines 37 through 39 and  
6 inserting the following:  
7 "The trustees may contract only with the county to  
8 provide road services including road paving,  
9 reconstruction, or maintenance, according to the  
10 county's standards for such services, on roads within  
11 the".  
12 3. Page 3, line 42, by striking the word  
13 "material" and inserting the following: "materials  
14 incidental to the administrative functions of the  
15 trustees".  
16 4. Page 3, by inserting after line 46 the  
17 following:  
18 "Sec.     . NEW SECTION. 357I.10A REVENUES  
19 EXCLUDED FROM COUNTY GENERAL FUND TRANSFERS.  
20 The amount of revenue collected from the tax levied  
21 pursuant to section 357I.8 shall not be included in  
22 the calculation of property tax revenues transferred  
23 to the secondary road fund annually under section  
24 331.429."  
25 5. By renumbering as necessary.

Amendment [H-8306](#) was adopted.

Huser of Polk offered the following amendment [H-8269](#), to amendment [H-8241](#), filed by her and moved its adoption:

[H-8269](#)

1 Amend the amendment, [H-8241](#), to [House File 2651](#), as  
2 follows:

3 1. Page 2, by striking lines 5 through 10 and  
4 inserting the following:  
5 "3. If part or all of the proposed district lies  
6 within two miles of the boundaries of a city, the  
7 board shall send a copy of the petition to each such  
8 city before scheduling the public hearing on the  
9 petition. A city that receives a copy of the petition  
10 may require that any road or street improvements and  
11 associated drainage improvements constructed within  
12 the district after establishment of the district be  
13 constructed in compliance with requirements for such  
14 improvements then in effect within the city. The city  
15 shall notify the board of the city's response to the  
16 petition within thirty days of receiving the petition.  
17 If the city wants requirements for road or street  
18 improvements and associated drainage improvements then  
19 in effect within the city to apply within the  
20 district, the requirements shall be included in the  
21 resolution of the board establishing the district and  
22 shall be incorporated into the plans and  
23 specifications for the improvements prepared by the  
24 district engineer or county engineer. The plans and  
25 specifications shall be subject to approval by the  
26 board and by the city council of each affected city,  
27 which approval must occur before commencement of  
28 construction.

29 Sec.     . NEW SECTION. 3571.3 LIMITATION ON AREA  
30 AND PROPERTY COMPRISING DISTRICT.

31 1. A district is limited to property within a  
32 residential subdivision that was in existence prior to  
33 January 1, 2007, and that has received county road  
34 services pursuant to an agreement between the county  
35 and residents of the subdivision prior to July 1,  
36 2008.

37 2. Subject to the limitations in subsection 1, a  
38 district may include all or parts of the  
39 unincorporated areas of one township and any  
40 unincorporated areas of adjoining townships or parts  
41 of adjoining townships."

42 2. Page 3, line 40, by inserting after the word  
43 "district" the following: ", and on any road outside  
44 the district that provides a direct route between the

45 subdivision comprising the district and the nearest  
46 paved street or highway."  
47 3. By striking page 4, line 34, through page 5,  
48 line 22, and inserting the following: "incorporated  
49 by the city."  
50 4. By renumbering as necessary.

Amendment [H-8269](#) was adopted.

On motion by Huser of Polk, amendment [H-8241](#), as amended, was adopted.

Alons of Sioux offered the following amendment [H-8255](#) filed by him and moved its adoption:

[H-8255](#)

1 Amend [House File 2651](#) as follows:  
2 1. Page 10, by inserting after line 31 the  
3 following:  
4 "Sec. \_\_\_\_. HEAVY HAULER FEE STUDY. The department  
5 of transportation, in consultation with  
6 representatives of the trucking industry in Iowa and  
7 other interested parties, shall conduct a study of the  
8 registration and permit fees imposed on owners of  
9 commercial vehicles used for hauling loads in excess  
10 of two hundred fifty thousand pounds. In conducting  
11 the study, the department shall compare Iowa's fees  
12 with fees imposed on similar vehicles registered in  
13 states bordering Iowa and identify any areas in which  
14 the difference in fees creates a competitive  
15 disadvantage for the owner of a commercial vehicle in  
16 Iowa who competes for business with owners of  
17 commercial vehicles registered in a neighboring state.  
18 The department, in consultation with participants in  
19 the study, shall consider a waiver process or other  
20 methods by which Iowa's registration and permit fees  
21 could be modified as necessary to minimize or  
22 eliminate any competitive disadvantage identified in  
23 the study while minimizing the impact on overall  
24 revenue accruing to the road use tax fund. The  
25 department shall report its findings and  
26 recommendations, including a legislative proposal, to  
27 the general assembly on or before January 1, 2009."  
28 2. By renumbering as necessary.

Amendment [H-8255](#) lost, placing out of order amendment [H-8254](#) filed by Alons of Sioux on March 24, 2008.

Huser of Polk offered amendment [H-8150](#), previously deferred, filed by her as follows:

[H-8150](#)

1 Amend [House File 2651](#) as follows:

2 1. Page 2, by striking lines 11 through 33.

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

4 following:

5 "Sec. \_\_\_. Section 321E.7, subsection 4, Code

6 Supplement 2007, is amended to read as follows:

7 4. Notwithstanding subsections 1 and 2, a  
8 self-propelled implement of husbandry traveling under  
9 a permit issued pursuant to section 321E.8A may exceed  
10 the maximum axle loads prescribed under section  
11 321.463 only when operated on a noninterstate highway  
12 in a county covered under the permit, provided the  
13 weight on any one axle does not exceed twenty-five  
14 thousand pounds, and provided the current and valid  
15 permit is carried in the vehicle. ~~For purposes of~~  
16 ~~this subsection, "noninterstate highway" does not~~  
17 ~~include a bridge. However, a vehicle traveling under~~  
18 a permit issued pursuant to section 321E.8A is not  
19 exempt from posted weight limitations on bridges."

20 3. Page 4, by inserting after line 16 the

21 following:

22 "Sec. \_\_\_. Section 321E.8A, subsection 1, Code

23 Supplement 2007, is amended to read as follows:

24 1. A self-propelled implement of husbandry  
25 equipped with flotation tires that is designed to be  
26 loaded and operated in the field and used exclusively  
27 for the application of organic or inorganic plant food  
28 materials, agricultural limestone, or agricultural  
29 chemicals, and that, as newly manufactured, exceeds  
30 the axle weight limits under section 321.463 when  
31 unloaded, may be operated on noninterstate highways,  
32 ~~excluding bridges~~, in a county pursuant to a permit  
33 issued by the department for travel within the county,  
34 provided the vehicle does not violate posted weight  
35 limitations on bridges. Prior to issuing a permit,  
36 the department shall collect a fee of six hundred  
37 dollars for each county in which the vehicle will be  
38 operated during the period of the permit beginning  
39 July 1 and ending June 30, provided that a permit  
40 shall not be issued for a vehicle for operation in  
41 more than ten counties and the total amount of fees  
42 collected for a vehicle for the period of the permit  
43 shall not exceed three thousand five hundred dollars.  
44 Moneys collected by the department on behalf of the  
45 counties in which the vehicle will be operated shall  
46 be allotted equally to those counties and deposited in

47 the secondary road funds of those counties. A vehicle  
48 for which a permit is issued under this section shall  
49 be assigned a permit number that shall be displayed on  
50 the door of the vehicle in numbers that contrast

Page 2

1 sharply in color with the background on which the  
2 number is placed, be readily legible during daylight  
3 hours from a distance of fifty feet when the vehicle  
4 is stationary, and be maintained in a manner that  
5 retains the legibility. Only vehicles originally  
6 purchased or ordered prior to February 1, 2007, are  
7 eligible for a permit. New permits shall not be  
8 issued on or after July 1, 2007; however, a permit  
9 issued for a vehicle under this section prior to July  
10 1, 2007, may be renewed for that vehicle annually upon  
11 payment of the appropriate county fees."

12 4. Page 10, line 33, by striking the figure  
13 "321A.32A,".

14 5. Page 10, line 34, by striking the word "and".

15 6. Page 10, line 34, by inserting after the  
16 figure "321E.9B," the following: "and".

17 7. By striking page 10, line 35, through page 11,  
18 line 3, and inserting the following: "repealing 2007  
19 Iowa Acts, chapter 167, being deemed of immediate  
20 importance, take effect upon enactment.

21 Sec.\_\_\_\_. CONTINGENT EFFECTIVENESS. The section  
22 of this Act relating to the defeasance of petroleum  
23 underground storage tank fund bonds takes effect only  
24 upon enactment of legislation striking section 423.43,  
25 subsection 1, paragraph "a", Code Supplement 2007, by  
26 the Eighty-second General Assembly."

27 8. Title page, by striking lines 11 and 12 and  
28 inserting the following: "motor vehicle, access to  
29 persons with".

30 9. By renumbering as necessary.

R. Olson of Polk asked and received unanimous consent to withdraw amendment [H-8291](#), to amendment [H-8150](#), filed by him from the floor.

Huser of Polk offered the following amendment [H-8305](#), to amendment [H-8150](#), filed by her from the floor and Reasoner of Union and moved its adoption:

[H-8305](#)

1 Amend the amendment, H-8150, to [House File 2651](#) as  
2 follows:

- 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 "\_\_\_\_. Page 2, by inserting after line 10 the  
 6 following:  
 7 "Sec.\_\_\_\_. Section 321.253, Code 2007, is amended  
 8 to read as follows:  
 9 321.253 DEPARTMENT TO ERECT SIGNS.  
 10 1. The department shall place and maintain such  
 11 traffic-control devices, conforming to its manual and  
 12 specifications, upon all primary highways as it ~~shall~~  
 13 ~~deem deems~~ necessary to indicate and to carry out the  
 14 provisions of this chapter or to regulate, warn, or  
 15 guide traffic. Whenever practical, ~~said the~~ devices  
 16 or signs shall be purchased from the director of the  
 17 Iowa department of corrections.  
 18 2. The department shall post signs informing  
 19 motorists of the penalties for speeding in a road work  
 20 zone and that the scheduled fine for committing a ~~an~~  
 21 other moving traffic violation in a road work zone is  
 22 doubled."  
 23 2. Page 2, by inserting after line 11 the  
 24 following:  
 25 "\_\_\_\_. Page 10, by inserting after line 18 the  
 26 following:  
 27 "Sec.\_\_\_\_. Section 805.8A, subsection 14,  
 28 paragraph i, Code 2007, is amended to read as follows:  
 29 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine  
 30 for any moving traffic violation under chapter 321, as  
 31 provided in this section, shall be doubled if the  
 32 violation occurs within any road work zone, as defined  
 33 in section 321.1. However, notwithstanding subsection  
 34 5, the scheduled fine for violating the speed limit in  
 35 a road work zone is as follows:  
 36 (1) One hundred fifty dollars for speed not more  
 37 than ten miles per hour over the posted speed limit.  
 38 (2) Three hundred dollars for speed greater than  
 39 ten but not more than twenty miles per hour over the  
 40 posted speed limit.  
 41 (3) Five hundred dollars for speed greater than  
 42 twenty but not more than twenty-five miles per hour  
 43 over the posted speed limit.  
 44 (4) One thousand dollars for speed greater than  
 45 twenty-five miles per hour over the posted speed  
 46 limit."  
 47 3. Page 2, line 28, by inserting after the word  
 48 "vehicle," the following: "penalties for speeding  
 49 violations committed in road work zones,".  
 50 4. By renumbering as necessary.

Amendment [H-8305](#) was adopted.

Davitt of Warren asked and received unanimous consent to withdraw amendment [H-8307](#), to amendment [H-8150](#), filed by him from the floor.

Huser of Polk offered the following amendment [H-8251](#), to amendment [H-8150](#), filed by her and moved its adoption:

[H-8251](#)

- 1 Amend the amendment, [H-8150](#), to [House File 2651](#) as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "\_\_\_\_. Page 9, lines 24 and 25, by striking the
- 6 words "vehicle upon payment of the fee provided for"
- 7 and inserting the following: "vehicle ~~upon payment~~
- 8 ~~of. The annual registration fee is the fee provided~~
- 9 ~~for".~~
- 10 \_\_\_\_\_. By striking page 9, line 32, through page
- 11 10, line 1, and inserting the following: "use"
- 12 vehicle in accordance with sections 321.58 through
- 13 321.62. The "limited use" registration"."
- 14 2. By renumbering as necessary.

Amendment [H-8251](#) was adopted.

Windschitl of Harrison offered the following amendment [H-8296](#), to amendment [H-8150](#), filed by him from the floor and moved its adoption:

[H-8296](#)

- 1 Amend the amendment, [H-8150](#), to [House File 2651](#) as
- 2 follows:
- 3 1. Page 2, by inserting after line 11 the
- 4 following:
- 5 "\_\_\_\_. Page 10, by inserting after line 31 the
- 6 following:
- 7 "Sec.\_\_\_\_. TEMPORARY HIGHWAY CLOSURES. Upon
- 8 application by a city located along state highway 175
- 9 for a temporary closure of a portion of the highway to
- 10 accommodate a scheduled community event, the
- 11 department of transportation shall approve the closure
- 12 for the amount of time needed for the community event,
- 13 not to exceed a single period of no more than
- 14 twenty-four hours.""

Amendment [H-8296](#) was adopted.

Huser of Polk asked and received unanimous consent to withdraw amendment [H-8309](#), to amendment [H-8150](#), filed by her from the floor.

On motion by Huser of Polk, amendment [H-8150](#), as amended, 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?" ([H.F. 2651](#))

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	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
Wiencsek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Jochum,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Kaufmann

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 2553, 2601 and 2651.**

[House File 2393](#), a bill for an act requiring a minority impact statement as part of an application for a grant from the department of public health, human services, or human rights and providing effective and applicability dates, was taken up for consideration.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8096](#) filed by him on March 12, 2008, placing out of order amendment [H-8260](#) filed by Ford of Polk on March 24, 2008.

Smith of Marshall asked and received unanimous consent to withdraw amendment [H-8243](#) filed by Smith of Marshall et al., on March 19, 2008.

Ford of Polk offered the following amendment [H-8280](#) filed by Ford et al., and moved its adoption:

#### [H-8280](#)

- 1 Amend [House File 2393](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 2.56, subsection 1, Code 2007,
- 5 is amended to read as follows:
- 6 1. Prior to debate on the floor of a chamber of
- 7 the general assembly, a correctional impact statement
- 8 shall be attached to any bill, joint resolution, or
- 9 amendment which proposes a change in the law which
- 10 creates a public offense, significantly changes an
- 11 existing public offense or the penalty for an existing
- 12 offense, or changes existing sentencing, parole, or
- 13 probation procedures. The statement shall include
- 14 information concerning the estimated number of
- 15 criminal cases per year that the legislation will
- 16 impact, the fiscal impact of confining persons
- 17 pursuant to the legislation, the impact of the

18 legislation on minorities, the impact of the  
19 legislation upon existing correctional institutions,  
20 community-based correctional facilities and services,  
21 and jails, the likelihood that the legislation may  
22 create a need for additional prison capacity, and  
23 other relevant matters. The statement shall be  
24 factual and shall, if possible, provide a reasonable  
25 estimate of both the immediate effect and the  
26 long-range impact upon prison capacity.

27 Sec. 2. Section 2.56, Code 2007, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 4A. The legislative services  
30 agency in cooperation with the division of criminal  
31 and juvenile justice planning of the department of  
32 human rights shall develop a protocol for analyzing  
33 the impact of the legislation on minorities.

34 Sec. 3. NEW SECTION. 8.11 GRANT APPLICATIONS –  
35 MINORITY IMPACT STATEMENTS.

36 1. Each application for a grant from a state  
37 agency shall include a minority impact statement that  
38 contains the following information:

39 a. Any disproportionate or unique impact of  
40 proposed policies or programs on minority persons in  
41 this state.

42 b. A rationale for the existence of programs or  
43 policies having an impact on minority persons in this  
44 state.

45 c. Evidence of consultation of representatives of  
46 minority persons in cases where a policy or program  
47 has an identifiable impact on minority persons in this  
48 state.

49 2. For the purposes of this section, the following  
50 definitions shall apply:

Page 2

1 a. "Disability" means the same as provided in  
2 section 15.102, subsection 5, paragraph "b",  
3 subparagraph (1).

4 b. "Minority persons" includes individuals who are  
5 women, persons with a disability, Blacks, Latinos,  
6 Asians or Pacific Islanders, American Indians, and  
7 Alaskan Native Americans.

8 c. "State agency" means a department, board,  
9 bureau, commission, or other agency or authority of  
10 the state of Iowa.

11 3. The office of grants enterprise management  
12 shall create and distribute a minority impact  
13 statement form for state agencies and ensure its  
14 inclusion with applications for grants.

15 4. The directives of this section shall be carried  
16 out to the extent consistent with federal law.

- 17 5. The minority impact statement shall be used for  
 18 informational purposes.  
 19 Sec. 4. EFFECTIVE AND APPLICABILITY DATES. This  
 20 Act takes effect July 1, 2008, and shall apply to  
 21 grants for which applications are due beginning  
 22 January 1, 2009."  
 23 2. Title page, by striking lines 1 through 4 and  
 24 inserting the following: "An Act providing  
 25 requirements for minority impact statements in  
 26 relation to state grant applications and correctional  
 27 impact statements for legislation, and providing  
 28 effective and applicability dates."  
 29 3. By renumbering as necessary.

Amendment [H-8280](#) was adopted.

Smith of Marshall 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. 2393](#))

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	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
Wienczek	Winckler	Windschitl	Wise
Worthan	Zirkelbach	Jochum, Presiding	

The nays were, none.

Absent or not voting, 1:

Kaufmann

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

[HOUSE FILE 2288](#) WITHDRAWN

Smith of Marshall asked and received unanimous consent to withdraw [House File 2288](#) from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2393](#) be immediately messaged to the Senate.

[House File 2508](#), a bill for an act authorizing appeal of denials of dental insurance coverage based on medical necessity, was taken up for consideration.

T. Olson of Linn offered amendment [H-8144](#) filed by him as follows:

[H-8144](#)

- 1 Amend [House File 2508](#) as follows:
- 2 1. Page 1, line 8, by striking the word "or" and
- 3 inserting the following: "~~or~~".
- 4 2. Page 1, line 8, by inserting after the words
- 5 "payment insurance" the following: "or denials of
- 6 coverage not based on medical necessity".
- 7 3. Title page, line 1, by striking the words
- 8 "authorizing appeal of denials of dental" and
- 9 inserting the following: "relating to appeals of
- 10 denials of".

Hoffman of Crawford asked and received unanimous consent to withdraw amendment [H-8300](#), to amendment [H-8144](#), filed by him from the floor.

On motion by T. Olson of Linn, amendment [H-8144](#) was adopted.

[SENATE FILE 2199](#) SUBSTITUTED FOR [HOUSE FILE 2508](#)

T. Olson of Linn asked and received unanimous consent to substitute [Senate File 2199](#) for [House File 2508](#).

[Senate File 2199](#), a bill for an act relating to appeals of denials of insurance coverage based on medical necessity, 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. 2199](#))

The ayes were, 98:

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	Grassley	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Huser	Jacobs
Jacoby	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	Jochum, Presiding		

The nays were, none.

Absent or not voting, 2:

Granzow

Kaufmann

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

HOUSE FILES 54, 2121, 2231 and 2291 WITHDRAWN

T. Olson of Linn asked and received unanimous consent to withdraw House Files 54, 2121, 2231 and 2291 from further consideration by the House.

IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [Senate File 2199](#) be immediately messaged to the Senate.

[House File 2650](#), a bill for an act establishing a state health insurance mandate commission, and providing for a repeal and an effective date, was taken up for consideration.

Van Fossen of Scott offered amendment [H-8274](#) filed by him as follows:

[H-8274](#)

- 1 Amend [House File 2650](#) as follows:
- 2 1. Page 7, by striking line 18 and inserting the
- 3 following:
- 4 "7. FUTURE REPEAL. This section is repealed".
- 5 2. Page 7, by inserting after line 19 the
- 6 following:
- 7 "Sec. \_\_\_. **NEW SECTION.** 514C.24 COVERAGE FOR
- 8 PROSTHETIC DEVICES.
- 9 1. Notwithstanding the uniformity of treatment
- 10 requirements of section 514C.6, a policy or contract
- 11 providing for third-party payment or prepayment of
- 12 health or medical expenses shall provide coverage
- 13 benefits for prosthetic devices when prescribed by a
- 14 physician licensed under chapter 148, 150, or 150A.
- 15 Such coverage benefits for prosthetic devices shall
- 16 provide coverage for prosthetic devices that, at a
- 17 minimum, equals the coverage and payment for
- 18 prosthetic devices provided under federal laws for
- 19 health insurance for the aged and disabled pursuant to
- 20 42 U.S.C. } 1395k, 1395l, and 1395m, and 42 C.F.R. §
- 21 414.202, 414.210, 414.228, and 410.100, as applicable.
- 22 2. a. This section applies to the following
- 23 classes of third-party payment provider contracts or
- 24 policies delivered, issued for delivery, continued, or

25 renewed in this state on or after July 1, 2008:  
26 (1) Individual or group accident and sickness  
27 insurance providing coverage on an expense-incurred  
28 basis.  
29 (2) An individual or group hospital or medical  
30 service contract issued pursuant to chapter 509, 514,  
31 or 514A.  
32 (3) An individual or group health maintenance  
33 organization contract regulated under chapter 514B.  
34 (4) A plan established pursuant to chapter 509A  
35 for public employees.  
36 (5) An organized delivery system licensed by the  
37 director of public health.  
38 b. This section shall not apply to accident only,  
39 specified disease, short-term hospital or medical,  
40 hospital confinement indemnity, credit, dental,  
41 vision, Medicare supplement, long-term care, basic  
42 hospital and medical-surgical expense coverage as  
43 defined by the commissioner, disability income  
44 insurance coverage, coverage issued as a supplement to  
45 liability insurance, workers' compensation or similar  
46 insurance, or automobile medical payment insurance."  
47 3. Title page, line 1, by inserting after the  
48 word "Act" the following: "relating to health  
49 insurance mandates by".  
50 4. Title page, by striking line 2 and inserting

Page 2

1 the following: ", requiring health insurance coverage  
2 for certain prosthetic devices, and providing an  
3 effective date."  
4 5. By renumbering as necessary.

T. Olson of Linn rose on a point of order that amendment [H-8274](#) was not germane.

The Speaker ruled the point well taken and amendment [H-8274](#) not germane.

Van Fossen of Scott asked for unanimous consent to suspend the rules to consider amendment [H-8274](#).

Objection was raised.

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?" ([H.F. 2650](#))

The ayes were, 60:

Abdul-Samad	Anderson	Bailey	Bell
Berry	Bukta	Clute	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Gayman	Gipp
Heddens	Hoffman	Hunter	Jacobs
Jacoby	Kelley	Kressig	Kuhn
Lensing	Lukan	Lykam	Mascher
McCarthy	Mertz	Miller, H.	Murphy, Spkr.
Oldson	Olson, D.	Olson, R.	Olson, T.
Palmer	Petersen	Quirk	Rants
Reasoner	Reichert	Roberts	Schueller
Shomshor	Staed	Swaim	Taylor, D.
Taylor, T.	Thomas	Tomenga	Wendt
Wenthe	Wessel-Kroeschell	Whitaker	Whitead
Wienczek	Winckler	Wise	Jochum, Presiding

The nays were, 39:

Alons	Arnold	Baudler	Boal
Chambers	De Boef	Deyoe	Dolecheck
Drake	Forristall	Granzow	Grassley
Greiner	Heaton	Horbach	Huseman
Huser	May	Miller, L.	Olson, S.
Paulsen	Pettengill	Raecker	Rasmussen
Rayhons	Sands	Schickel	Smith
Soderberg	Struyk	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen	Watts
Windschitl	Worthan	Zirkelbach	

Absent or not voting, 1:

Kaufmann

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

The House stood at ease at 9:28 p.m., until the fall of the gavel.

The House resumed session at 9:48 p.m., Speaker Murphy in the chair.

## IMMEDIATE MESSAGE

McCarthy of Polk asked and received unanimous consent that [House File 2650](#) be immediately messaged to the Senate.

[HOUSE FILE 2613](#) REFERRED

The Speaker announced that [House File 2613](#), previously placed on **calendar** was referred to committee on **ways and means**.

[HOUSE FILE 2652](#) REFERRED

The Speaker announced that [House File 2652](#), previously placed on **calendar** was referred to committee on **appropriations**.

[SENATE FILE 2177](#) REREFERRED

The Speaker announced that [Senate File 2177](#), previously referred to committee on **human resources** was **passed on file**.

## 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 25<sup>th</sup> day of March, 2008: House Files 2215, 2268 and 2287.

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 March 25, 2008, he approved and transmitted to the Secretary of State the following bills:

[House File 2165](#), an Act relating to business corporations, by providing for distributions and business opportunities.

[House File 2166](#), an Act relating to the practice of pharmacy, including provisions governing tech-check-tech programs and specifying applicable penalty provisions.

[House File 2194](#), an Act relating to exemptions to state minimum wage requirements.

[House File 2213](#), an Act relating to technical matters concerning the regulation of motor vehicles by the department of transportation and providing an effective date.

[House File 2309](#), an Act relating to child support recovery including assignment of support to the state relative to receipt of family investment program benefits, the reporting of delinquent child support obligors to consumer reporting agencies, access to cellular telephone numbers for the purpose of the computer match program by the child support recovery unit, the information included in a notice regarding the administrative levy of an account, and medical support of a child, and providing effective and retroactive applicability dates.

[Senate File 249](#), an Act relating to the conference of eligibility on and conditions of eligibility for individuals for certain programs under the purview of the department of human services.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual report, pursuant to Chapter 7A.3(9), Code of Iowa.

### DEPARTMENT OF ECONOMIC DEVELOPMENT

Report of the Microenterprise Study, pursuant to Chapter 3(2)g, Code of Iowa.

### DEPARTMENT OF EDUCATION

Report of the school districts Sharing and Efficiencies Study, pursuant to Chapter 256, Code of Iowa.

Annual report, pursuant to Chapter 256, Code of Iowa.

### DEPARTMENT OF HUMAN SERVICES

Annual report options and placements at the Iowa Juvenile Home in Toledo, pursuant to Chapter 232, Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

Annual report of the status of Iowa's drinking water program, pursuant to Chapter 466, Code of Iowa.

Annual report of "Oil Overcharge Restitution Programs", pursuant to Chapter 473.11, Code of Iowa.

### 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\2478 Eunice DeSotel, Guttenberg – For celebrating her 90<sup>th</sup> birthday.
- 2008\2479 Robert H. Dietz, Wadena – For celebrating his 95<sup>th</sup> birthday.
- 2008\2480 Helen Oldfather, Fayette – For celebrating her 100<sup>th</sup> birthday.
- 2008\2481 Wilbur (Bud) and Gerry Pletsch, Alexander – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2482 Reeve L. and Maxine Eldridge, Clear Lake – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2008\2483 Floyd Bochmann, Aredale – For celebrating his 95<sup>th</sup> birthday.
- 2008\2484 Florence Russell, Clear Lake – For celebrating her 85<sup>th</sup> birthday.
- 2008\2485 Robert and Berthie Begelow, Fontanelle – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2486 Charlie McNeill, Bagley – For celebrating his 80<sup>th</sup> birthday.
- 2008\2487 Agnes Rater, Fontanelle – For celebrating her 90<sup>th</sup> birthday.
- 2008\2488 Sylvia Plowman, Adair – For her 28years of service to the Adair Meal Site.
- 2008\2489 Robert and Virginia Bonar, Denmark – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2490 Forrest and Wilma Schau, Donnellson – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2491 Bob and Pauline Ness, Story City – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2008\2492 Charles and Doris Meyer, Waterloo – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2008\2493 Emily Mortvedt, Story City – For winning the state 2008 Poetry Out Loud contest.
- 2008\2494 Tyler Olson, Story City – For being given the 2008 DEKALB Agricultural Accomplishment Award.
- 2008\2495 Mary Grosland, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2008\2496 Ann Marie Peterson, Mason City – For celebrating her 80<sup>th</sup> birthday.
- 2008\2497 Harlan Stille, Mason City – For celebrating his 80<sup>th</sup> birthday.

#### SUBCOMMITTEE ASSIGNMENT

##### Senate File 2218

Education: Cohoon, Chair; Foege and May.

##### Senate File 2343

Judiciary: Swaim, Chair; Jacobs and Lensing.

##### Senate File 2353

Judiciary: Palmer, Chair; R. Olson and Struyk.

#### 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 EDUCATION

Senate File 2216, a bill for an act concerning state and local measures for preparing a student for a career or for postsecondary education, including a statewide core curriculum for school districts and accredited nonpublic schools and a state-designated career information and decision-making system.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment H-8289** March 24, 2008.

Senate File 2251, a bill for an act relating to student eye care and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8288](#) March 24, 2008.

[Senate File 2329](#), a bill for an act providing that funding of teacher compensation, professional development, early intervention, and educational excellence phase II be implemented through the school aid formula on a per pupil basis.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8290](#) March 24, 2008.

#### COMMITTEE ON HUMAN RESOURCES

[Senate File 2266](#), a bill for an act requiring a preliminary investigation to be conducted by the county medical examiner in the event of the death of a resident of certain state facilities administered by the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

#### COMMITTEE ON JUDICIARY

[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.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8297](#) March 25, 2008.

[Senate File 2214](#), a bill for an act relating to modification of a child custody order during the time a parent is serving active duty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with Amendment** [H-8298](#) March 25, 2008.

[Senate File 2281](#), a bill for an act prohibiting employment discrimination against an employee witness in certain civil proceedings.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

#### COMMITTEE ON NATURAL RESOURCES

[Senate Joint Resolution 2](#), a joint resolution designating the channel catfish as the official state fish for the State of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

[Senate File 2380](#), a bill for an act establishing a low head dam public hazard program.

Fiscal Note is not required.

Recommended **Do Pass** March 24, 2008.

#### COMMITTEE ON STATE GOVERNMENT

[Senate File 2129](#), a bill for an act relating to the duties of the commission on the status of Iowans of Asian and Pacific Islander heritage regarding interpreter qualifications.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

[Senate File 2301](#), a bill for an act making revisions and modifications to uniform finance procedures for bonds issued by the state.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

#### COMMITTEE ON VETERANS AFFAIRS

[Senate File 2333](#), a bill for an act relating to the regulation of veterans commemorative property.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

[Senate File 2354](#), a bill for an act concerning the home ownership assistance program for members of the military.

Fiscal Note is not required.

Recommended **Do Pass** March 25, 2008.

#### RESOLUTIONS FILED

[HR 131](#), by Schickel, Windschitl, Sands, Berry, T. Olson, D. Olson, Watts, Kressig, Staed, Heddens, Roberts, Bailey, Soderberg, Deyoe, Gaskill, Granzow, Rayhons, Upmeyer, Huseman, Gayman, Jacobs, Hoffman, Palmer, Tymeson, Horbach, Wendt, Chambers, Pettengill,

Van Fossen, Mertz and Jacoby, a resolution celebrating the 100<sup>th</sup> birthday of the United States Army Reserve, honoring the commitment, dedication, and service to America, and wishing for its continued support to our soldiers.

Laid over under **Rule 25.**

[HR 132](#), by Alons, a resolution recognizing Iowa's 4<sup>th</sup> legislative house district as the 2008 Iowa High School Boys' State Basketball Tournament capitol.

Laid over under **Rule 25.**

[HR 133](#), by Smith, Baudler, Wendt, Foege, Heaton, Ford, T. Olson, Petersen and Hoffman, a resolution designating September 2008 as Prostate Cancer Awareness Month.

Laid over under **Rule 25.**

[HR 134](#), by Berry, Frevert, Gaskill, Gayman, Heddens, Hunter, Jacobs, Jochum, Kressig, Lensing, H. Miller, L. Miller, T. Olson, Swaim, Winckler, Wiencek and Mertz, a resolution designating Tuesday, April 22, 2008, as Equal Pay Day.

Laid over under **Rule 25.**

[HR 135](#), by Berry, a resolution recognizing March 15, 2008, as Buckle Up for Safety Day.

Laid over under **Rule 25.**

[HR 136](#), by Foege, a resolution honoring Wartburg College's wrestling team for winning the National Collegiate Athletic Association Division III Wrestling Championship.

Laid over under **Rule 25.**

#### AMENDMENTS FILED

<a href="#"><u>H-8287</u></a>	<a href="#"><u>S.F.</u></a>	<a href="#"><u>348</u></a>	Palmer of Mahaska
Sands of Louisa			De Boef of Keokuk
May of Dickinson			Chambers of O'Brien

Greiner of Washington  
 Huseman of Cherokee  
 Dolecheck of Ringgold  
 Smith of Marshall  
 S. Olson of Clinton  
 Worthan of Buena Vista  
 Granzow of Hardin  
 Lukan of Dubuque  
 Rasmussen of Buchanan  
 Horbach of Tama  
 Baudler of Adair  
 Rayhons of Hancock  
 Thomas of Clayton  
 Frevert of Palo Alto  
 Zirkelbach of Jones  
 Van Fossen of Scott

<a href="#">H-8288</a>	<a href="#">S.F.</a>	<a href="#">2251</a>
<a href="#">H-8289</a>	<a href="#">S.F.</a>	<a href="#">2216</a>
<a href="#">H-8290</a>	<a href="#">S.F.</a>	<a href="#">2329</a>
<a href="#">H-8293</a>	<a href="#">S.F.</a>	<a href="#">348</a>
<a href="#">H-8294</a>	<a href="#">H.F.</a>	<a href="#">2623</a>
<a href="#">H-8295</a>	<a href="#">H.F.</a>	<a href="#">2610</a>
<a href="#">H-8297</a>	<a href="#">S.F.</a>	<a href="#">2212</a>
<a href="#">H-8298</a>	<a href="#">S.F.</a>	<a href="#">2214</a>
<a href="#">H-8299</a>	<a href="#">S.F.</a>	<a href="#">348</a>
<a href="#">H-8301</a>	<a href="#">H.F.</a>	<a href="#">2652</a>
<a href="#">H-8302</a>	<a href="#">S.F.</a>	<a href="#">203</a>
<a href="#">H-8303</a>	<a href="#">S.F.</a>	<a href="#">203</a>
<a href="#">H-8304</a>	<a href="#">H.F.</a>	<a href="#">2559</a>
<a href="#">H-8308</a>	<a href="#">H.F.</a>	<a href="#">2527</a>
<a href="#">H-8310</a>	<a href="#">S.F.</a>	<a href="#">2328</a>
<a href="#">H-8311</a>	<a href="#">S.F.</a>	<a href="#">2216</a>
<a href="#">H-8312</a>	<a href="#">S.F.</a>	<a href="#">348</a>
<a href="#">H-8313</a>	<a href="#">H.F.</a>	<a href="#">2623</a>
<a href="#">H-8314</a>	<a href="#">H.F.</a>	<a href="#">2545</a>
<a href="#">H-8315</a>	<a href="#">H.F.</a>	<a href="#">2269</a>
<a href="#">H-8316</a>	<a href="#">H.F.</a>	<a href="#">2652</a>

Whitaker of Van Buren  
 Alons of Sioux  
 Pettengill of Benton  
 Deyoe of Story  
 Mertz of Kossuth  
 Anderson of Page  
 Wenthe of Fayette  
 Jochum of Dubuque  
 Heaton of Henry  
 Soderberg of Plymouth  
 Tjepkes of Webster  
 Wiencek of Black Hawk  
 Schueller of Jackson  
 Foege of Linn  
 Wise of Lee  
 Gaskill of Wapello  
 Committee on Education  
 Committee on Education  
 Committee on Education  
 Rants of Woodbury  
 Gayman of Scott  
 Horbach of Tama  
 Committee on Judiciary  
 Committee on Judiciary  
 Quirk of Chickasaw  
 Gaskill of Wapello  
 Baudler of Adair  
 Baudler of Adair  
 Zirkelbach of Jones  
 Rants of Woodbury  
 Baudler of Adair  
 Mascher of Johnson  
 Quirk of Chickasaw  
 Wise of Lee  
 Zirkelbach of Jones  
 Berry of Black Hawk  
 Gaskill of Wapello

On motion by McCarthy of Polk the House adjourned at 9:50 p.m., until 9:00 a.m., Wednesday, March 26, 2008.