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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, APRIL 13, 2005**

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# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day - Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 13, 2005

The House met pursuant to adjournment at 8:53 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Roger Kurtenbach, pastor of Epworth United Methodist Church, Fort Dodge.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, April 12, 2005 was approved.

## INTRODUCTION OF BILLS

[House File 851](#), by committee on ways and means, a bill for an act relating to fees imposed for certified copies of death certificates.

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

[House File 852](#), by committee on ways and means, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty.

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

[House File 853](#), by committee on ways and means, a bill for an act providing that contributions made to certain school tuition organizations may be treated as credits under the individual income tax and including an applicability date provision.

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

[House File 854](#), by committee on ways and means, a bill for an act relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, insurance applications, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contracts, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

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 April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 276](#), a bill for an act requiring that meetings relating to postsecondary school registration held by the Iowa coordinating council for post-high school education be open to the public.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 375](#), a bill for an act relating to the duties imposed on a real estate broker by a brokerage agreement.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 438](#), a bill for an act relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 469](#), a bill for an act increasing the membership of the real estate commission.

Also: That the Senate has on April 12, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 683](#), a bill for an act authorizing the appointment of an attorney to represent an indigent parole violator, and providing effective and retroactive applicability date provisions.

Also: That the Senate has on April 12, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 716](#), a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 717](#), a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 726](#), a bill for an act allowing a physician assistant and an advanced registered nurse practitioner to certify an alleged intoxicated driver's incapacitated state for purposes of chemical testing.

Also: That the Senate has on April 12, 2005, passed the following bill in which the concurrence of the Senate was asked:

[House File 764](#), a bill for an act relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

MICHAEL E. MARSHALL, Secretary

#### HOUSE FILES REREFERRED TO COMMITTEES

Pursuant to Rule 45, the following House Files and House Concurrent Resolution were referred to the committees listed:

<a href="#">House Joint Resolution 5</a>	State Government
<a href="#">House Concurrent Resolution 10</a>	Judiciary
<a href="#">House File 59</a>	State Government
<a href="#">House File 118</a>	Education
<a href="#">House File 174</a>	Human Resources
<a href="#">House File 196</a>	State Government

<a href="#">House File 282</a>	Natural Resources
<a href="#">House File 321</a>	State Government
<a href="#">House File 372</a>	State Government
<a href="#">House File 454</a>	Education
<a href="#">House File 467</a>	Natural Resources
<a href="#">House File 477</a>	Human Resources
<a href="#">House File 498</a>	Judiciary
<a href="#">House File 526</a>	Education
<a href="#">House File 551</a>	State Government
<a href="#">House File 590</a>	Natural Resources
<a href="#">House File 618</a>	Human Resources
<a href="#">House File 621</a>	Public Safety
<a href="#">House File 623</a>	Agriculture
<a href="#">House File 643</a>	Environmental Protection
<a href="#">House File 648</a>	State Government
<a href="#">House File 669</a>	Environmental Protection
<a href="#">House File 681</a>	Judiciary
<a href="#">House File 684</a>	Public Safety
<a href="#">House File 701</a>	Agriculture
<a href="#">House File 705</a>	Commerce, Regulation and Labor
<a href="#">House File 707</a>	Commerce, Regulation and Labor
<a href="#">House File 713</a>	Public Safety
<a href="#">House File 719</a>	Commerce, Regulation and Labor
<a href="#">House File 723</a>	Human Resources
<a href="#">House File 727</a>	State Government
<a href="#">House File 728</a>	State Government
<a href="#">House File 732</a>	Education
<a href="#">House File 747</a>	State Government
<a href="#">House File 752</a>	Human Resources
<a href="#">House File 762</a>	Agriculture
<a href="#">House File 765</a>	Commerce, Regulation and Labor
<a href="#">House File 775</a>	State Government
<a href="#">House File 778</a>	Public Safety
<a href="#">House File 800</a>	Economic Growth

CONSIDERATION OF BILLS  
Unfinished Business Calendar

**House File 537**, a bill for an act relating to the investment of public funds by the treasurer of state, state agencies, and political subdivisions including the investment of public funds not covered by

federal deposit insurance in certificates of deposit, was taken up for consideration.

Kurtenbach of Story offered amendment [H-1095](#) filed by Kurtenbach, et al., as follows:

[H-1095](#)

- 1 Amend [House File 537](#) as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Section 1. NEW SECTION. 12B.6 CERTAIN PUBLIC
- 5 FUNDS OF POLITICAL SUBDIVISIONS.
- 6 All funds held by an association of elected county
- 7 officers which were received from a political
- 8 subdivision from the collection of taxes, fees, or
- 9 permits, which are being held by the association to
- 10 effectuate the purpose of the collection of the funds,
- 11 shall be deposited in a separate fund in the office of
- 12 the treasurer of state and are subject to audit by the
- 13 auditor of state at the request of the legislative
- 14 government oversight committee or the legislative
- 15 council."
- 16 2. Page 3, by inserting after line 24 the
- 17 following:
- 18 "Sec. \_\_\_\_ EFFECTIVE DATE. The section of this
- 19 Act enacting section 12B.6, relating to funds received
- 20 by an association of county officers, being deemed of
- 21 immediate importance, takes effect upon enactment."
- 22 3. Title page, line 4, by inserting after the
- 23 word "deposit" the following: ", and providing an
- 24 effective date".
- 25 4. By renumbering as necessary.

Kurtenbach of Story offered the following amendment [H-1186](#), to amendment [H-1095](#), filed by him and moved its adoption:

[H-1186](#)

- 1 Amend the amendment, [H-1095](#), to [House File 537](#) as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 15, and
- 4 inserting the following:
- 5 "All funds received, expended, or held by an
- 6 association of elected county officers before, on, or
- 7 after the effective date of this Act, to implement a
- 8 state-authorized program, are subject to audit by the
- 9 auditor of state at the request of the legislative
- 10 government oversight committee or the legislative
- 11 council. All such funds received or held on and after

12 July 1, 2005, shall be deposited in a fund in the  
 13 office of the treasurer of state."

Amendment [H-1186](#) was adopted.

Schickel of Cerro Gordo rose on a point of order that amendment [H-1095](#), as amended, was not germane.

The Speaker ruled the point well taken and amendment [H-1095](#), as amended, not germane.

Sands of Louisa 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. 537](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Miller

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

**House File 832**, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision, was taken up for consideration.

Speaker pro tempore Carroll in the chair at 9:12 a.m.

Shomshor 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. 832**)

The ayes were, 88:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	May	McCarthy
Mertz	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Wise	Carroll, Presiding

The nays were, 11:



Fallon	Hunter	Jochum	Kuhn
Mascher	Olson, R.	Shultz	Taylor, D.
Taylor, T.	Winckler	Zirkelbach	

Absent or not voting, 1:

Miller

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

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 537 and 832.**

#### [HOUSE FILE 692](#) WITHDRAWN

Shomshor of Pottawattamie asked and received unanimous consent to withdraw [House File 692](#) from further consideration by the House.

[House File 839](#), a bill for an act providing for the establishment of a technology governance board within the department of administrative services, and making an appropriation, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 839](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter

Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

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

**House File 835**, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes, was taken up for consideration.

Wise of Lee offered the following amendment **H-1356** filed by him and moved its adoption:

**H-1356**

- 1 Amend **House File 835** as follows:
- 2 1. Page 8, line 1, by striking the word
- 3 "SPECIAL".
- 4 2. Page 8, line 10, by striking the word
- 5 "special".
- 6 3. Page 8, line 17, by striking the words

7 "Special peace" and inserting the following: "Peace".  
 8 4. Page 8, by striking lines 18 and 19, and  
 9 inserting the following: "shall meet all requirements  
 10 as police officers appointed under the civil".  
 11 5. Page 8, line 22, by striking the words  
 12 "Special peace" and inserting the following: "Peace".  
 13 6. Page 8, line 30, by striking the words  
 14 "Special peace" and inserting the following: "Peace".  
 15 7. Page 10, line 22, by striking the word  
 16 "except" and inserting the following: "including the  
 17 exercise of police power but excluding".  
 18 8. By striking page 11, line 35 through page 12,  
 19 line 7, and inserting the following:  
 20 "17. Enter into an agreement with a political  
 21 subdivision comprising the port authority for the  
 22 political subdivision to exercise its right of eminent  
 23 domain pursuant to chapters 6A and 6B on behalf of the  
 24 port authority. However, a condemnation exercised on  
 25 behalf of a port authority pursuant to this subsection  
 26 shall not take or".  
 27 9. Page 21, by striking lines 26 through 31.

Amendment [H-1356](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 835](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel

Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

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

### HOUSE FILE 792 WITHDRAWN

Jenkins of Black Hawk asked and received unanimous consent to withdraw House File 792 from further consideration by the House.

### HOUSE FILES 425 and 733 WITHDRAWN

Wise of Lee asked and received unanimous consent to withdraw House Files 425 and 733 from further consideration by the House.

**House File 838**, a bill for an act relating to the procedures and duties of the judicial branch, including sending notices, and providing for fees, was taken up for consideration.

Horbach of Tama offered the following amendment H-1352 filed by him and moved its adoption:

#### H-1352

- 1 Amend House File 838 as follows:
- 2 1. By striking page 1, line 1, through page 3,
- 3 line 11, and inserting the following:
- 4 "Section 1. NEW SECTION. 602.8102A NOTICES
- 5 RETURNED FOR UNKNOWN ADDRESS – RESENDING.
- 6 Notwithstanding any other provision of the Code to
- 7 the contrary, and subject to rules prescribed by the
- 8 supreme court, if the clerk of the district court
- 9 sends a mailing or notice to a person or party and the
- 10 mailing or notice is returned by the postal service to

11 the clerk of the district court as undeliverable, the  
12 clerk is not required to send a repeat or subsequent  
13 mailing or notice unless the clerk receives an updated  
14 mailing address.

15 Sec. 2. Section 901.4, Code 2005, is amended to  
16 read as follows:

17 901.4 PRESENTENCE INVESTIGATION REPORT  
18 CONFIDENTIAL – DISTRIBUTION.

19 The presentence investigation report is  
20 confidential and the court shall provide safeguards to  
21 ensure its confidentiality, including but not limited  
22 to sealing the report, which may be opened only by  
23 further court order. At least three days prior to the  
24 date set for sentencing, the court shall ~~serve~~ send a  
25 copy of all of the presentence investigation report  
26 ~~upon by ordinary or electronic mail, to~~ the  
27 defendant's attorney and the attorney for the state,  
28 and the report shall remain confidential except upon  
29 court order. However, the court may conceal the  
30 identity of the person who provided confidential  
31 information. The report of a medical examination or  
32 psychological or psychiatric evaluation shall be made  
33 available to the attorney for the state and to the  
34 defendant upon request. The reports are part of the  
35 record but shall be sealed and opened only on order of  
36 the court. If the defendant is committed to the  
37 custody of the Iowa department of corrections and is  
38 not a class "A" felon, a copy of the presentence  
39 investigation report shall be forwarded by ordinary or  
40 electronic mail to the director with the order of  
41 commitment by the clerk of the district court and to  
42 the board of parole at the time of commitment.  
43 Pursuant to section 904.602, the presentence  
44 investigation report may also be released by ordinary  
45 or electronic mail by the department of corrections or  
46 a judicial district department of correctional  
47 services to another jurisdiction for the purpose of  
48 providing interstate probation and parole compact or  
49 interstate compact for adult offender supervision  
50 services or evaluations, or to a substance abuse or

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1 mental health services provider when referring a  
2 defendant for services. The defendant or the  
3 defendant's attorney may file with the presentence  
4 investigation report, a denial or refutation of the  
5 allegations, or both, contained in the report. The  
6 denial or refutation shall be included in the report.  
7 If the person is sentenced for an offense which  
8 requires registration under chapter 692A, the court  
9 shall release the report by ordinary or electronic

10 mail to the department.  
11 Sec. 3. ADOPTION OF COURT RULE RELATED TO TRIBAL  
12 COURTS. The general assembly acknowledges that  
13 contact and interaction between the Iowa court system  
14 and federally recognized tribal courts are ever  
15 increasing and the general assembly urges the Iowa  
16 supreme court to consider developing and prescribing  
17 rules that recognize the tribal court system and  
18 enforces tribal court orders, judgments, and decrees.  
19 Sec. 4. EFFECTIVE DATE. The section of this Act  
20 enacting section 602.8102A, being deemed of immediate  
21 importance, takes effect upon enactment."  
22 2. Title page, by striking lines 1 and 2 and  
23 inserting the following: "An Act relating to the  
24 procedures and duties of the judicial branch,  
25 including sending notices and reports, and providing  
26 an effective date."

Amendment [H-1352](#) was adopted.

[SENATE FILE 325](#) SUBSTITUTED FOR [HOUSE FILE 838](#)

Horbach of Tama asked and received unanimous consent to substitute [Senate File 325](#) for [House File 838](#).

[Senate File 325](#), a bill for an act relating to the procedures and duties of the judicial branch, including sending notices and reports, and providing an effective date, was taken up for consideration.

Horbach of Tama offered the following amendment [H-1353](#) filed by him and moved its adoption:

[H-1353](#)

1 Amend [Senate File 325](#), as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 1, line 1, through page 2,  
4 line 25, and inserting the following:  
5 "Section 1. NEW SECTION. 602.8102A NOTICES  
6 RETURNED FOR UNKNOWN ADDRESS – RESENDING.  
7 Notwithstanding any other provision of the Code to  
8 the contrary, and subject to rules prescribed by the  
9 supreme court, if the clerk of the district court  
10 sends a mailing or notice to a person or party and the  
11 mailing or notice is returned by the postal service to  
12 the clerk of the district court as undeliverable, the  
13 clerk is not required to send a repeat or subsequent  
14 mailing or notice unless the clerk receives an updated

15 mailing address.

16 Sec. 2. Section 602.8105, subsection 2, Code 2005,  
17 is amended to read as follows:

18 2. The clerk of the district court shall collect  
19 the following fees for miscellaneous services:

20 a. For filing, entering, and endorsing a  
21 mechanic's lien, twenty dollars, and if a suit is  
22 brought, the fee is taxable as other costs in the  
23 action.

24 b. For filing and entering an agricultural supply  
25 dealer's lien and any other statutory lien, twenty  
26 dollars.

27 c. For a certificate and seal, ten dollars.  
28 However, there shall be no charge for a certificate  
29 and seal to an application to procure a pension,  
30 bounty, or back pay for a member of the armed services  
31 or other person.

32 d. For certifying a change in title of real  
33 estate, twenty dollars.

34 e. For filing a praecipe to issue execution under  
35 chapter 626, twenty-five dollars.

36 f. For filing a praecipe to issue execution under  
37 chapter 654, fifty dollars.

38 g. For filing a confession of judgment under  
39 chapter 676, fifty dollars if the judgment is five  
40 thousand dollars or less, and one hundred dollars if  
41 the judgment exceeds five thousand dollars.

42 e. h. Other fees provided by law.

43 Sec. 3. Section 901.4, Code 2005, is amended to  
44 read as follows:

45 901.4 PRESENTENCE INVESTIGATION REPORT  
46 CONFIDENTIAL – DISTRIBUTION.

47 The presentence investigation report is  
48 confidential and the court shall provide safeguards to  
49 ensure its confidentiality, including but not limited  
50 to sealing the report, which may be opened only by

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1 further court order. At least three days prior to the  
2 date set for sentencing, the court shall ~~serve~~ send a  
3 copy of all of the presentence investigation report  
4 ~~upon by ordinary or electronic mail, to the~~  
5 defendant's attorney and the attorney for the state,  
6 and the report shall remain confidential except upon  
7 court order. However, the court may conceal the  
8 identity of the person who provided confidential  
9 information. The report of a medical examination or  
10 psychological or psychiatric evaluation shall be made  
11 available to the attorney for the state and to the  
12 defendant upon request. The reports are part of the  
13 record but shall be sealed and opened only on order of

14 the court. If the defendant is committed to the  
 15 custody of the Iowa department of corrections and is  
 16 not a class "A" felon, a copy of the presentence  
 17 investigation report shall be forwarded by ordinary or  
 18 electronic mail to the director with the order of  
 19 commitment by the clerk of the district court and to  
 20 the board of parole at the time of commitment.  
 21 Pursuant to section 904.602, the presentence  
 22 investigation report may also be released by ordinary  
 23 or electronic mail by the department of corrections or  
 24 a judicial district department of correctional  
 25 services to another jurisdiction for the purpose of  
 26 providing interstate probation and parole compact or  
 27 interstate compact for adult offender supervision  
 28 services or evaluations, or to a substance abuse or  
 29 mental health services provider when referring a  
 30 defendant for services. The defendant or the  
 31 defendant's attorney may file with the presentence  
 32 investigation report, a denial or refutation of the  
 33 allegations, or both, contained in the report. The  
 34 denial or refutation shall be included in the report.  
 35 If the person is sentenced for an offense which  
 36 requires registration under chapter 692A, the court  
 37 shall release the report by ordinary or electronic  
 38 mail to the department.  
 39 Sec. 4. STUDY OF COURT RULE RELATED TO TRIBAL  
 40 COURTS. The general assembly acknowledges that  
 41 contact and interaction between the Iowa court system  
 42 and federally recognized tribal courts are ever  
 43 increasing and the general assembly urges the Iowa  
 44 supreme court to consider developing and prescribing  
 45 rules that recognize the tribal court system and  
 46 enforce tribal court orders, judgments, and decrees."  
 47 2. Title page, by striking lines 2 and 3 and  
 48 inserting the following: "branch, including sending  
 49 notices, and providing for fees."

Amendment [H-1353](#) was adopted.

Horbach of Tama 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. 325](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt



De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

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

#### HOUSE FILES 671 and 838 WITHDRAWN

Horbach of Tama asked and received unanimous consent to withdraw House Files 671 and 838 from further consideration by the House.

**House File 834**, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations, was taken up for consideration.

Greiner of Washington 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. 834](#))

The ayes were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lykam	Maddox
Mascher	May	McCarthy	Mertz
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 2:

Fallon                      Schueller

Absent or not voting, 2:

Lukan                      Miller

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

HOUSE FILES 414 and 783 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House Files 414 and 783 from further consideration by the House.

[Senate Joint Resolution 6](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in

conjunction with the awards ceremony of the World Food Prize Foundation, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" ([S.J.R. 6](#))

The ayes were, 81:

Baudler	Bell	Berry	Bukta
Chambers	Cohoon	Dandekar	Davitt
Dix	Dolecheck	Drake	Elgin
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kressig	Kuhn	Kurtenbach	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Sands	Schickel
Schueller	Shoultz	Smith	Soderberg
Struyk	Taylor, T.	Thomas	Tjepkes
Tymeson	Upmeyer	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Carroll, Presiding			

The nays were, 18:

Alons	Anderson	Arnold	Boal
De Boef	Eichhorn	Fallon	Heddens
Hogg	Kaufmann	Lalk	Roberts
Shomshor	Swaim	Taylor, D.	Tomenga
Van Engelenhoven	Zirkelbach		

Absent or not voting, 1:

Miller

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

**Senate Joint Resolution 7**, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting, with report of committee recommending passage, was taken up for consideration.

S. Olson of Clinton moved that the joint resolution be read a last time now and placed upon its adoption and the joint resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (**S.J.R. 7**)

The ayes were, 78:

Baudler	Bell	Berry	Bukta
Chambers	Cohoon	Dandekar	Davitt
Dix	Dolecheck	Drake	Elgin
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Hunter	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jochum	Jones	Kressig
Kuhn	Kurtenbach	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Sands	Schickel	Schueller	Shoultz
Smith	Soderberg	Struyk	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler
Wise	Carroll,		
	Presiding		

The nays were, 21:

Alons	Anderson	Arnold	Boal
De Boef	Eichhorn	Fallon	Ford
Heddens	Hogg	Kaufmann	Lalk
Olson, D.	Roberts	Shomshor	Swaim
Taylor, D.	Tomenga	Van Engelenhoven	Wilderdyke
Zirkelbach			

Absent or not voting, 1:

Miller

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 834, 835, 839, Senate Joint Resolutions 6 and 7** and [Senate File 325](#).

#### Regular Calendar

[Senate File 339](#), a bill for an act relating to regional transit districts, with report of committee recommending passage, was taken up for consideration.

Horbach of Tama in the chair at 10:03 a.m.

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

On the question "Shall the bill pass?" ([S.F. 339](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Hogg
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker

Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Horbach, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

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

[Senate File 340](#), a bill for an act relating to motor vehicle registration and driver licensing services provided by county treasurers and providing for the collection of certain fees, fines, and penalties, with report of committee recommending passage, was taken up for consideration.

Huser of Polk offered the following amendment [H-1357](#) filed by her and moved its adoption:

[H-1357](#)

1 Amend [Senate File 340](#), as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "violation" the following: "or if the citation has  
 5 been dismissed as against the owner of the vehicle  
 6 pursuant to section 321.484".  
 7 2. Page 3, by inserting after line 16, the  
 8 following:  
 9 "Sec. \_\_. Section 321.484, unnumbered paragraph  
 10 2, Code 2005, is amended to read as follows:  
 11 The owner of a vehicle shall not be held  
 12 responsible for a violation of a provision regulating  
 13 the stopping, standing, or parking of a vehicle,  
 14 whether the provision is contained in this chapter, or  
 15 chapter 321L, or an ordinance or other regulation or  
 16 rule, if the owner establishes that at the time of the  
 17 violation the vehicle was in the custody of an  
 18 identified person other than the owner pursuant to a

19 lease as defined in chapter 321F or pursuant to a  
 20 rental agreement as defined in section 516D.3. The  
 21 furnishing to the county attorney where the charge is  
 22 pending of a copy of the lease prescribed by section  
 23 321F.6 or rental agreement that was in effect for the  
 24 vehicle at the time of the alleged violation shall be  
 25 prima facie evidence that the vehicle was in the  
 26 custody of an identified person other than the owner  
 27 within the meaning of this paragraph. Upon receipt of  
 28 such evidence, the appropriate authority shall dismiss  
 29 as against the owner of the vehicle any citation  
 30 issued for a violation within the meaning of this  
 31 paragraph that occurred while the vehicle was in the  
 32 custody of the identified person."

33 3. Title page, line 3, by inserting after the  
 34 word "penalties" the following: ", and providing an  
 35 effective date".

36 4. By renumbering as necessary.

Amendment [H-1357](#) 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.

Speaker pro tempore Carroll in the chair at 10:08 a.m.

On the question "Shall the bill pass?" ([S.F. 340](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Horbach	Hogg
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shultz	Smith

Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Miller

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

### Appropriations Calendar

[Senate File 346](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated, with report of committee recommending passage, was taken up for consideration.

May of Dickinson 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. 346](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy



Mertz	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, 1:

Fallon

Absent or not voting, 2:

Miller                      Murphy

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

#### Regular Calendar

[Senate File 365](#), a bill for an act relating to the application deadline for certification of enterprise zones, with report of committee recommending amendment and passage, was taken up for consideration.

Jenkins of Black Hawk offered the following amendment [H-1350](#) filed by the committee on economic growth and moved its adoption:

#### [H-1350](#)

- 1 Amend [Senate File 365](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word and
- 4 figures "July 1, ~~2005~~ 2006" and inserting the
- 5 following: "~~July 1, 2005~~ March 1, 2006".

The committee amendment [H-1350](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 365](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Oldson	Olson, D.
Olson, R.	Olson, S.	Paulsen	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Miller                      Murphy

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

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 339, 340, 346 and 365.**

The House stood at ease at 10:37 a.m., until the fall of the gavel.

The House resumed session at 11:34 a.m., Speaker pro tempore Carroll in the chair.

#### ADOPTION OF [HOUSE RESOLUTION 32](#)

Speaker Rants called up for consideration [House Resolution 32](#), a resolution honoring the Morningside College Women's Basketball Team on their national championship, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Speaker Rants introduced the Morningside College President, John Reynders, whom thanked the House for the honor.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 11:37 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:02 p.m., Paulsen of Linn in the chair.

#### INTRODUCTION OF BILL

[House File 855](#), by Whitaker and Mascher, a bill for an act providing for the establishment of an Iowa health freedom Act.

Read first time and referred to committee on **human resources**.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

CONSIDERATION OF BILLS  
Unfinished Business Calendar

[House File 686](#), a bill for an act relating to the duties and responsibilities of the state board of regents and the institutions under its control, was taken up for consideration.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment [H-1122](#) filed by him and Dolecheck of Ringgold on March 21, 2005.

Dix of Butler offered amendment [H-1082](#) filed by him and Watts of Dallas as follows:

[H-1082](#)

- 1 Amend [House File 686](#) as follows:
- 2 1. By striking page 1, line 1, through page 3,
- 3 line 25.
- 4 2. Page 4, by striking lines 26 through 31.
- 5 3. By renumbering as necessary.

Dolecheck of Ringgold asked and received unanimous consent to withdraw amendment [H-1132](#), to amendment [H-1082](#), filed by him on March 21, 2005.

On motion by Dix of Butler, amendment [H-1082](#) was adopted.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment [H-1087](#) filed by him and Paulsen of Linn on March 15, 2005.

T. Taylor of Linn asked and received unanimous consent to withdraw amendment [H-1090](#) filed by him and Paulsen of Linn on March 16, 2005.

Dolecheck of Ringgold offered the following amendment [H-1125](#) filed by him and moved its adoption:

[H-1125](#)

- 1 Amend [House File 686](#) as follows:
- 2 1. Page 10, line 10, by striking the word "not"
- 3 and inserting the following: "~~not~~".
- 4 2. Page 10, line 12, by inserting after the word

5 ~~"interest"~~ the following: "to the extent not in  
 6 conflict with this chapter".  
 7 3. Page 11, by inserting after line 2 the  
 8 following:  
 9 "Sec. \_\_. Section 573.12, subsection 1,  
 10 unnumbered paragraph 1, Code 2005, is amended to read  
 11 as follows:  
 12 Payments made under contracts for the construction  
 13 of public improvements, unless provided otherwise by  
 14 law, shall be made on the basis of monthly estimates  
 15 of labor performed and material delivered, as  
 16 determined by the project architect or engineer. The  
 17 public corporation shall retain from each monthly  
 18 payment not more than five percent of that amount  
 19 which is determined to be due according to the  
 20 estimate of the architect or engineer. ~~However,~~  
 21 ~~institutions governed pursuant to chapter 262 may, on~~  
 22 ~~contracts where a bond is required under section~~  
 23 ~~573.2, make payments under this section without~~  
 24 ~~retention until ninety five percent of the contract~~  
 25 ~~amount has been paid and the remaining five percent of~~  
 26 ~~the contract amount shall be paid as provided under~~  
 27 ~~section 573.14."~~  
 28 4. Page 11, by striking lines 23 through 27 and  
 29 inserting the following: "accrues, and shall be the  
 30 same as the rate of interest that is in effect under  
 31 section 12C.6, as of the day interest begins to  
 32 accrue, for a deposit of public funds for a comparable  
 33 period of time. However, for institutions governed  
 34 pursuant to chapter 262, the rate of interest shall be  
 35 determined by the period of time during which interest  
 36 accrues, and shall be calculated as the prime rate  
 37 plus one percent per year as of the day interest  
 38 begins to accrue. This paragraph does not abridge any  
 39 of the rights".  
 40 5. By renumbering as necessary.

Amendment [H-1125](#) was adopted.

Dolecheck of Ringgold 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. 686](#))

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

De Boef	Dix	Dolecheck	Drake
Elgin	Fallon	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Mascher	May
Mertz	Murphy	Oldson	Olson, D.
Olson, R.	Olson, S.	Petersen	Quirk
Raecker	Rants, Spkr.	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Thomas	Tjepkes
Tomenga	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Paulsen, Presiding

The nays were, 6:

Davitt	Hunter	Hutter	Maddox
McCarthy	Pettengill		

Absent or not voting, 2:

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

**[House File 831](#)**, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds, was taken up for consideration.

Granzow of Hardin 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. 831](#))

The ayes were, 90:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Petersen
Pettengill	Quirk	Raecker	Rants, Spkr.
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Whitaker	Whitead	Wildurdyke	Wise
Zirkelbach	Paulsen, Presiding		

The nays were, 8:

Fallon	Hunter	Jochum	Lensing
Shoultz	Wendt	Wessel-Kroeschell	Winckler

Absent or not voting, 2:

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

#### Regular Calendar

**Senate File 176**, a bill for an act entering Iowa into the midwestern higher education compact, with report of committee recommending passage, was taken up for consideration.

Tymeson of Madison 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. 176**)

The ayes were, 65:

Alons	Anderson	Arnold	Baudler
Berry	Boal	Carroll	Chambers
Dandekar	De Boef	Dix	Dolecheck
Drake	Elgin	Ford	Freeman
Gaskill	Gipp	Granzow	Greiner
Heaton	Heddens	Hoffman	Horbach
Hunter	Huseman	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kurtenbach	Lalk	Lukan
Maddox	Mascher	May	Mertz
Murphy	Oldson	Olson, S.	Raecker
Rasmussen	Rayhons	Roberts	Sands
Schickel	Shomshor	Soderberg	Struyk
Taylor, T.	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitead	Wilderdyke
Paulsen, Presiding			

The nays were, 32:

Bell	Bukta	Cohoon	Davitt
Fallon	Foege	Frevert	Hogg
Huser	Kressig	Kuhn	Lensing
Lykam	McCarthy	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shultz	Smith
Swaim	Taylor, D.	Thomas	Wessel-Kroeschell
Whitaker	Winckler	Wise	Zirkelbach

Absent or not voting, 3:

Eichhorn	Miller	Rants, Spkr.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### [HOUSE FILE 796](#) WITHDRAWN

Granzow of Hardin asked and received unanimous consent to withdraw [House File 796](#) from further consideration by the House.

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 686, 831** and [Senate File 176](#).



**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 13<sup>th</sup> day of April, 2005: House Files 131, 291 and 370.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on April 13, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 186](#), an act updating the code references to the Internal Revenue Code and including retroactive applicability and effective date provisions.

[House File 187](#), an act relating to the Utility Replacement Task Force.

[House File 332](#), an act allowing certain abstractors to request a mortgage release.

[House File 373](#), an act relating to equipment dealerships, by providing for the sale or transfer of a dealership and providing for the Act's applicability.

[Senate File 74](#), an act relating to financial institutions and insurers, by prohibiting the deceptive use of name, and providing remedies and penalties.

[Senate File 215](#), an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

**PRESENTATION OF VISITORS**

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

A group of 70 students from Kennedy High School, Cedar Rapids, Iowa, accompanied by Pat Grady and Pat Corry. By Hogg of Linn and Elgin of Linn.

Twenty government students from Washington High School, Vinton, Iowa, accompanied by Sharyl Stulken. By Pettengill of Benton.

Four government students from West Monona High School, Onawa, Iowa. By Wilderdyke of Harrison.

#### CERTIFICATES OF RECOGNITION

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

MARGARET A. THOMSON  
Chief Clerk of the House

- 2005\1214 Delmar Iburg, Williamburg – For celebrating his 80<sup>th</sup> birthday.
- 2005\1215 Jasper Riskedahl, Ames –For celebrating his 90<sup>th</sup> birthday.
- 2005\1216 Glen Lowman, Ames – For celebrating his 90<sup>th</sup> birthday.
- 2005\1217 George Ladd, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2005\1218 Willard Lundahl, Madrid – For celebrating his 80<sup>th</sup> birthday.
- 2005\1219 Robert Phillips, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2005\1220 Kenneth Gillette, Ames – For celebrating his 80<sup>th</sup> birthday.
- 2005\1221 Edna Bryan, Madrid – For celebrating her 80<sup>th</sup> birthday.
- 2005\1222 Grace Myers, Ames – For celebrating her 80<sup>th</sup> birthday.
- 2005\1223 Ruth Orr, Ames – For celebrating her 95<sup>th</sup> birthday.
- 2005\1224 T. Lucille Long, Waterloo – For celebrating her 88<sup>th</sup> birthday.
- 2005\1225 Ethel Jacobs, Oskaloosa – For celebrating he 90<sup>th</sup> birthday.
- 2005\1226 Melvin E. and Jeneane L. Dykstra, Oskaloosa – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2005\1227 Marvin and Mary Hall, Oskaloosa – For celebrating their 50<sup>th</sup> wedding anniversary.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 298 Ways and Means**

Relating to the establishment by certain cities of sales tax increment financing districts.

**H.S.B. 299 Appropriations**

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund.

## 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.

MARGARET A. THOMSON  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**House File 841**, a bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-1362** April 12, 2005.

Pursuant to Rule 31.7, **House File 841** was referred to the committee on ways and means.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly **House File 410**), providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

Fiscal Note is not required.

Recommended **Do Pass** April 12, 2005.

**Committee Bill** (Formerly **House File 670**), relating to the transferability of eligible housing business tax credits for new housing investment under the enterprise zone program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

**Committee Bill** (Formerly [House File 806](#)), relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

**Committee Bill** (Formerly [House Study Bill 286](#)), establishing an economic development tax credit certificate transfer program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 12, 2005.

#### RESOLUTIONS FILED

[HCR 15](#), by Fallon, Berry, Bukta, Cohoon, Dandekar, Davitt, Foege, Ford, Frevert, Heddens, Hunter, Jacoby, Jochum, Kressig, Kuhn, Lensing, Lykam, Mascher, Mertz, Miller, Murphy, Oldson, D. Olson, R. Olson, Petersen, Pettengill, Reichert, Schueller, Shomshor, Smith, Swaim, D. Taylor, T. Taylor, Thomas, Wendt, Wessel-Kroeschell, Whitaker, Whitead, Wise and Zirkelbach, a concurrent resolution designating November 13 through 19, 2005, as Iowa Homeless Awareness Week.

Laid over under **Rule 25**.

[HR 40](#), by Arnold and Whitaker, a resolution honoring the city of Eddyville on its 165<sup>th</sup> anniversary.

Laid over under **Rule 25**.

[HR 41](#), by Fallon, Berry, Bukta, Davitt, Foege, Heddens, Hogg, Hunter, Jacoby, Kressig, Kuhn, Mascher, Miller, Oldson, D. Olson, Petersen, Pettengill, Schueller, Shomshor, Smith, D. Taylor, T. Taylor, Thomas, Wendt, Whitead and Zirkelbach, a resolution protesting the proposed reduction in the federal Community Development Block Grant program.

Laid over under **Rule 25**.

**HR 42**, by Swaim, a resolution to recognize and honor Johnny Talbot of Centerville for his service as a navy fighter pilot in the Battle of Midway.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1358</u>	<u>H.F. 683</u>	Senate Amendment
<u>H-1359</u>	<u>H.F. 716</u>	Senate Amendment
<u>H-1360</u>	<u>H.F. 820</u>	Ford of Polk
Smith of Marshall		Whitaker of Van Buren
Jochum of Dubuque		Winckler of Scott
Kressig of Black Hawk		Wessel-Kroeschell of Story
Lensing of Johnson		Mascher of Johnson
Davitt of Warren		Schueller of Jackson
Murphy of Dubuque		
<u>H-1361</u>	<u>H.F. 836</u>	Tomenga of Polk
<u>H-1362</u>	<u>H.F. 841</u>	Committee on Human Resources
<u>H-1363</u>	<u>H.F. 805</u>	Struyk of Pottawattamie
<u>H-1364</u>	<u>H.F. 849</u>	Raecker of Polk
<u>H-1365</u>	<u>S.F. 350</u>	Struyk of Pottawattamie
<u>H-1366</u>	<u>H.F. 820</u>	Struyk of Pottawattamie
<u>H-1367</u>	<u>S.F. 350</u>	Heaton of Henry
<u>H-1368</u>	<u>S.F. 350</u>	Heaton of Henry

On motion by Jacobs of Polk the House adjourned at 1:55 p.m., until 8:45 a.m., Thursday, April 14, 2005.