

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 30, 2005

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JOURNAL OF THE HOUSE

Eightieth Calendar Day - Fifty-fifth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 30, 2005

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

Prior to convening the House was entertained with the piano music of House Page Erin Hopp from Conroy.

Prayer was offered by Reverend David Ruhe, pastor of Plymouth Congregational United Church of Christ, Des Moines. He was the guest of Representative Libby Jacobs from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 29, 2005 was approved.

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 10:36 a.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cohoon of Des Moines on request of Whitaker of Van Buren; Shoultz of Black Hawk on request of Whitaker of Van Buren.

CONSIDERATION OF BILLS

Regular Calendar

House File 614, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means, was taken up for consideration.

Dix of Butler offered the following amendment [H-1212](#) filed by Dix, et al., and moved its adoption:

[H-1212](#)

- 1 Amend [House File 614](#) as follows:
- 2 1. Page 6, by striking lines 3 through 18 and
- 3 inserting the following:
- 4 "Sec. __. NEW SECTION. 714F.7 CRIMINAL
- 5 PENALTIES.
- 6 1. A person who commits an unlawful act under this
- 7 chapter is guilty of an aggravated misdemeanor.
- 8 2. A person who commits an unlawful act under this
- 9 chapter and who causes pecuniary losses exceeding one
- 10 thousand dollars to a victim of the unlawful act is
- 11 guilty of a class "D" felony.
- 12 Sec. __. NEW SECTION. 714F.8 VENUE FOR CRIMINAL
- 13 VIOLATIONS.
- 14 For the purpose of determining proper venue, a
- 15 violation of this chapter shall be considered to have
- 16 been committed in any county in which any of the
- 17 following apply:
- 18 1. An act was performed in furtherance of the
- 19 violation.
- 20 2. The owner or operator who is the victim of the
- 21 violation has a place of business in this state.
- 22 3. The defendant has control or possession of any
- 23 proceeds of the violation, or of any books, records,
- 24 documents, property, financial instrument, computer
- 25 software, computer program, computer data, or other
- 26 material or objects used in furtherance of the
- 27 violation.
- 28 4. The defendant unlawfully accessed a computer or
- 29 computer network by wires, electromagnetic waves,
- 30 microwaves, or any other means of communication.
- 31 5. The defendant resides.
- 32 6. A computer used as an object or an instrument
- 33 in the commission of the violation was located at the
- 34 time of the violation."
- 35 2. Title page, line 2, by inserting after the
- 36 word "means" the following: "and providing for
- 37 penalties".
- 38 3. By renumbering as necessary.

Amendment [H-1212](#) was adopted.

Dix of Butler 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. 614](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	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	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	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	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Cohoon Shultz

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

Drake of Pottawattamie in the chair at 10:47 a.m.

[HOUSE FILE 465](#) WITHDRAWN

Dix of Butler asked and received unanimous consent to withdraw [House File 465](#) from further consideration by the House.

House File 612, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies, was taken up for consideration.

SENATE FILE 270 SUBSTITUTED FOR **HOUSE FILE 612**

Jacobs of Polk asked and received unanimous consent to substitute **Senate File 270** for **House File 612**.

Senate File 270, a bill for an act relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies, was taken up for consideration.

Jacobs 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. 270**)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	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	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
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	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, none.

Absent or not voting, 2:

Cohoon Shoultz

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

[HOUSE FILE 612](#) WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw [House File 612](#) from further consideration by the House.

[Senate File 74](#), a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Sands of Louisa offered the following amendment [H-1030](#) filed by the committee on commerce, regulation and labor and moved its adoption:

[H-1030](#)

- 1 Amend [Senate File 74](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 1, by striking the figure
- 4 "535D.1", and inserting the following: "547A.1".
- 5 2. Page 1, line 4, by inserting after the figure
- 6 "527.2" the following: ", and "insurer" means an
- 7 insurer organized under Title XIII, subtitle 1, or
- 8 similar laws of any other state or the United States".
- 9 3. Page 1, line 5, by striking the figure
- 10 "535D.2", and inserting the following: "547A.2".
- 11 4. Page 1, line 7, by inserting after the word
- 12 "institution" the following: "or insurer".
- 13 5. Page 1, line 9, by inserting after the word
- 14 "institution" the following: "or insurer".
- 15 6. Page 1, line 13, by inserting after the word
- 16 "institution" the following: "or insurer".
- 17 7. Page 1, line 16, by inserting after the word
- 18 "institution" the following: "or insurer".

19 8. Title page, by inserting after the word
20 "institutions" the following: "and insurers".

The committee amendment [H-1030](#) was adopted.

Sands of Louisa offered the following amendment [H-1031](#) filed by him and moved its adoption:

[H-1031](#)

1 Amend [Senate File 74](#), as passed by the Senate, as
2 follows:
3 1. Page 1, line 17, by inserting after the word
4 "use." the following: "The state agency with
5 regulatory authority over the financial institution or
6 insurer may also bring an action to enjoin the
7 misleading or deceptive use prohibited in subsection
8 1."

Amendment [H-1031](#) was adopted.

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?" ([S.F. 74](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Dandekar	Davitt
De Boef	Dix	Dolecheck	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	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
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	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Drake, Presiding		

The nays were, none.

Absent or not voting, 2:

Cohoon Shoultz

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

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 614](#) and [Senate Files 74](#) and [270](#).

Speaker Rants in the chair at 11:14 a.m.

[House File 619](#), a bill for an act establishing a sex offender registry database task force within the department of administrative services, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-1218](#) filed by Paulsen, et al., and moved its adoption:

[H-1218](#)

- 1 Amend [House File 619](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 709.8, unnumbered paragraph 2,
- 5 Code 2005, is amended to read as follows:
- 6 Any person who violates a provision of this section
- 7 shall, upon conviction, be guilty of a class "D"
- 8 felony. ~~A person who violates a provision of this~~
- 9 ~~section and who is sentenced to a term of confinement~~
- 10 ~~shall also be sentenced to an additional term of~~
- 11 ~~parole or work release not to exceed two years. The~~
- 12 ~~board of parole shall determine whether the person~~
- 13 ~~should be released on parole or placed in a work~~

14 ~~release program. The sentence of an additional term~~
 15 ~~of parole or work release supervision shall commence~~
 16 ~~immediately upon the expiration of the preceding~~
 17 ~~sentence and shall be under the terms and conditions~~
 18 ~~as set out in chapter 906. Violations of parole or~~
 19 ~~work release shall be subject to the procedures set~~
 20 ~~out in chapter 905 or 908 or rules adopted under those~~
 21 ~~chapters. The sentence of an additional term of~~
 22 ~~parole or work release shall be consecutive to the~~
 23 ~~original term of confinement.~~

24 Sec. __. Section 901.5, Code 2005, is amended by
 25 adding the following new subsection:

26 NEW SUBSECTION. 13. In addition to any sentence
 27 or other penalty imposed against the defendant, the
 28 court shall sentence the defendant to an additional
 29 term of years if required under chapter 901A, or
 30 section 902.14 or 903.2A.

31 Sec. __. Section 901A.2, subsection 8, Code 2005,
 32 is amended to read as follows:

33 8. In addition to any other sentence imposed on a
 34 person convicted of a sexually predatory offense
 35 pursuant to subsection 1, 2, or 3, the person shall be
 36 sentenced to an additional indeterminate term of
 37 parole or work release years not to exceed two years.
 38 The board of parole shall determine whether the person
 39 should be released on parole or placed in a work
 40 release program. ~~The sentence of parole supervision~~
 41 ~~shall commence immediately upon the person's release~~
 42 ~~by the board of parole and shall be under the~~ When a
 43 person commences service of the additional term of
 44 years, the person shall initially be released by the
 45 board of parole subject to the terms and conditions as
 46 set out in chapter 906. Violations of ~~parole or work~~
 47 ~~release terms and conditions of release shall be~~
 48 ~~subject to the procedures set out in chapter 905 or~~
 49 ~~908 or rules adopted under those chapters. For~~
 50 ~~purposes of disposition of a parole violator upon~~

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1 ~~revocation of parole or work release, the sentence of~~
 2 ~~an additional term of parole or work release shall be~~
 3 ~~considered part of the original term of commitment to~~
 4 ~~the department of corrections.~~

5 Sec. __. NEW SECTION. 902.14 ADDITIONAL TERM OF
 6 YEARS - FELONIES.

7 A person who is convicted of a felony under chapter
 8 709, or under section 692A.7, 708.2A, 708.11, or
 9 726.2, and who is committed to the custody of the
 10 director of the department of corrections to serve a
 11 term of confinement shall also be sentenced to an
 12 additional indeterminate term of years not to exceed

13 two years. The board of parole shall determine
14 whether the person should be released on parole or
15 placed in a work release program. When a person
16 commences service of the additional term of years, the
17 person shall initially be released by the board of
18 parole subject to the terms and conditions set out in
19 chapter 906. Violations of the terms and conditions
20 of release shall be subject to the procedures set out
21 in chapter 905 or 908 or rules adopted under those
22 chapters. The sentence of an additional term of years
23 shall be consecutive to the original term of
24 confinement.

25 Sec. __. NEW SECTION. 903.2A ADDITIONAL TERM OF
26 YEARS – MISDEMEANORS.

27 A person who is convicted of an aggravated
28 misdemeanor under chapter 709, or section 692A.7 or
29 708.11, and who is committed to the custody of the
30 director of the department of corrections to serve a
31 term of confinement shall also be sentenced to an
32 additional indeterminate term of years not to exceed
33 two years. The board of parole shall determine
34 whether the person should be released on parole or
35 placed in a work release program. When a person
36 commences service of the additional term of years, the
37 person shall initially be released by the board of
38 parole subject to the terms and conditions set out in
39 chapter 906. Violations of the terms and conditions
40 of release shall be subject to the procedures set out
41 in chapter 905 or 908 or rules adopted under those
42 chapters. The sentence of an additional term of years
43 shall be consecutive to the original term of
44 confinement.

45 Sec. __. Section 906.15, unnumbered paragraph 1,
46 Code 2005, is amended to read as follows:

47 Unless sooner discharged, a person released on
48 parole shall be discharged when the person's term of
49 parole equals the period of imprisonment specified in
50 the person's sentence, less all time served in

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1 confinement. Discharge from parole may be granted
2 prior to such time, when an early discharge is
3 appropriate. The board shall periodically review all
4 paroles, and when the board determines that any person
5 on parole is able and willing to fulfill the
6 obligations of a law-abiding citizen without further
7 supervision, the board shall discharge the person from
8 parole. A parole officer shall periodically review
9 all paroles assigned to the parole officer, and when
10 the parole officer determines that any person assigned
11 to the officer is able and willing to fulfill the

12 obligations of a law-abiding citizen without further
13 supervision, the officer may discharge the person from
14 parole after notification and approval of the district
15 director and notification of the board of parole. In
16 any event, discharge from parole shall terminate the
17 person's sentence. If a person has been sentenced to
18 an additional term of years under chapter 901A, or
19 section 902.14 or 903.2A, the person may be discharged
20 from the term in the same manner as a person on
21 parole. However, a person convicted of a violation of
22 section 709.3, 709.4, or 709.8 committed on or with a
23 child, or a person serving a sentence under section
24 902.12, shall not be discharged from parole until the
25 person's term of parole equals the period of
26 imprisonment specified in the person's sentence, less
27 all time served in confinement.

28 Sec. __. NEW SECTION. 906.19 APPLICABILITY OF
29 ADDITIONAL TERM OF YEARS.

30 Notwithstanding chapter 901A, or section 902.14 or
31 903.2A, if a person is paroled prior to the expiration
32 of the person's term and prior to the commencement of
33 the additional term of years, the person shall not
34 serve the additional term of years.

35 Sec. __. ADDITIONAL TERM OF YEARS - REPORT. The
36 department of corrections and the eight judicial
37 district departments of correctional services, in
38 cooperation with the division of criminal and juvenile
39 justice planning of the department of human rights,
40 the state public defender, and the office of the
41 prosecuting attorneys training coordinator in the
42 department of justice, shall compile and provide a
43 report regarding offenders serving an additional term
44 of years, to the general assembly, cochairpersons and
45 ranking members of the joint appropriations
46 subcommittee on the justice system, and the
47 legislative services agency on or before January 15,
48 2007. The report shall include the actual number of
49 offenders sentenced to serve an additional term of
50 years from July 1, 2006, through December 31, 2006, in

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1 each judicial district, including each offender's race
2 and gender. The report shall also include the
3 anticipated number of offenders who will be serving an
4 additional term of years in each judicial district in
5 the fiscal year beginning July 1, 2006, and ending
6 June 30, 2007, and the fiscal year beginning July 1,
7 2007, and ending June 30, 2008. The report shall
8 detail the number of probation and parole officers and
9 staff needed to supervise offenders serving an
10 additional term of years and the capacity to supervise

11 such offenders in each judicial district. The report
12 shall detail actual expenditures related to
13 supervising offenders serving an additional term of
14 years for the fiscal year beginning July 1, 2006, and
15 ending June 30, 2007, and the revenue source and
16 budgeted expenditures for the fiscal year beginning
17 July 1, 2007, and ending June 30, 2008. The report
18 shall include any quantitative measures analyzing
19 persons serving an additional term of years."
20 2. Title page, by striking lines 1 and 2 and
21 inserting the following: "An Act relating to persons
22 convicted of criminal offenses requiring registration
23 on the sex offender registry or requiring an
24 additional indeterminate sentence, establishing a sex
25 offender registry database task force, and providing
26 penalties."

Amendment [H-1218](#) was adopted.

Paulsen of Linn offered amendment [H-1219](#) filed by Paulsen, et al., as follows:

[H-1219](#)

1 Amend [House File 619](#) as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 13.10, subsection 1, Code
5 2005, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. h. Any other offense that requires
8 a person to register under chapter 692A.
9 Sec. __. Section 692A.2, Code 2005, is amended by
10 adding the following new subsection:
11 NEW SUBSECTION. 1A. If a person violates any of
12 the requirements of section 692A.4, the person shall
13 register for an additional ten years beginning from
14 the date the first registration period ends as
15 calculated under this section.
16 Sec. __. Section 692A.4, Code 2005, is amended to
17 read as follows:
18 692A.4 VERIFICATION OF ADDRESS AND TAKING OF
19 PHOTOGRAPH.
20 1. The address of a person required to register
21 under this chapter shall be verified annually as
22 follows:
23 a. On a date which falls within the month in which
24 the person was initially required to register, the
25 department shall mail a verification form to the last
26 reported address of the person. Verification forms
27 shall not be forwarded to the person who is required

28 to register under this chapter if the person no longer
29 resides at the address, but shall be returned to the
30 department.

31 b. The person shall complete and mail the
32 verification to the department within ten days of
33 receipt of the form.

34 c. The verification form shall be signed by the
35 person, and state the address at which the person
36 resides. If the person is in the process of changing
37 residences, the person shall state that fact as well
38 as the old and new addresses or places of residence.

39 2. Verification of address for a person who has
40 been convicted of an offense under the laws of this
41 state or of another state which would qualify the
42 person as a sexually violent predator shall be
43 accomplished in the same manner as in subsection 1,
44 except that the verification shall be done every three
45 months at times established by the department.

46 3. A photograph of a person required to register
47 under this chapter shall be updated annually. When
48 the department mails the address verification form in
49 subsection 1, the department shall also enclose a form
50 informing the person to annually submit to being

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1 photographed by the sheriff of the county of the
2 person's residence within ten days of receipt of the
3 address verification form. The sheriff shall send the
4 current photograph to the department within ten days
5 of the photograph being taken and the department shall
6 post the current photograph on the sex offender
7 registry's web page.

8 Sec. __. Section 692A.5, subsection 1, Code 2005,
9 is amended by adding the following new paragraph:
10 NEW PARAGRAPH. i. Inform the person that the
11 person must annually submit to being photographed by
12 the sheriff of the county of the person's residence.

13 Sec. __. Section 692A.13, subsection 5, Code
14 2005, is amended to read as follows:

15 5. Relevant information provided to the general
16 public may include the offender's name, address, a
17 photograph, locations frequented by the offender,
18 relevant criminal history information from the
19 registry, and any other relevant information.
20 Relevant information provided to the public shall not
21 include the identity of any victim. The general
22 public may post any relevant information at public
23 institutions including but not limited to a school,
24 post office, or library.

25 Sec. __. Section 903A.2, subsection 1, paragraph
26 a, Code 2005, is amended to read as follows:

27 a. Category "A" sentences are those sentences
28 which are not subject to a maximum accumulation of
29 earned time of fifteen percent of the total sentence
30 of confinement under section 902.12. To the extent
31 provided in subsection 5, category "A" sentences also
32 include life sentences imposed under section 902.1.
33 An inmate of an institution under the control of the
34 department of corrections who is serving a category
35 "A" sentence is eligible for a reduction of sentence
36 equal to one and two-tenths days for each day the
37 inmate demonstrates good conduct and satisfactorily
38 participates in any program or placement status
39 identified by the director to earn the reduction. The
40 programs include but are not limited to the following:
41 (1) Employment in the institution.
42 (2) Iowa state industries.
43 (3) An employment program established by the
44 director.
45 (4) A treatment program established by the
46 director.
47 (5) An inmate educational program approved by the
48 director.
49 However, an inmate required to participate in a sex
50 offender treatment program shall not be eligible for a

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1 reduction of sentence unless the inmate participates
2 in and completes a sex offender treatment program
3 established by the director.
4 An inmate serving a category "A" sentence is
5 eligible for an additional reduction of sentence of up
6 to three hundred sixty-five days of the full term of
7 the sentence of the inmate for exemplary acts. In
8 accordance with section 903A.4, the director shall by
9 policy identify what constitutes an exemplary act that
10 may warrant an additional reduction of sentence."

Paulsen of Linn offered the following amendment [H-1228](#), to amendment [H-1219](#), filed by him from the floor and moved its adoption:

[H-1228](#)

- 1 Amend the amendment, [H-1219](#), to [House File 619](#) as
- 2 follows:
 - 3 1. Page 1, line 47, by inserting after the word
 - 4 "updated" the following: ", at a minimum".
 - 5 2. Page 1, line 48, by striking the word "form"
 - 6 and inserting the following: "notice".
 - 7 3. Page 2, line 4, by striking the word "current"

- 8 and inserting the following: "updated".
9 4. Page 2, line 6, by striking the word "current"
10 and inserting the following: "updated".
11 5. Page 2, line 7, by inserting after the word
12 "page." the following: "The sheriff may require the
13 person to submit to being photographed by the sheriff
14 more than once a year by mailing another notice
15 informing the person to submit to being photographed."
16 6. Page 2, line 11, by inserting after the word
17 "must" the following: ", at a minimum,".

Amendment [H-1228](#) was adopted.

Paulsen of Linn offered the following amendment [H-1226](#), to amendment [H-1219](#), filed by him from the floor and moved its adoption:

[H-1226](#)

- 1 Amend the amendment, [H-1219](#), to [House File 619](#) as
2 follows:
3 1. Page 2, line 24, by inserting after the word
4 "library" the following: ", subject to local
5 ordinances or policies adopted by those public
6 institutions".

Amendment [H-1226](#) was adopted.

The House stood at ease at 12:03 p.m., until the fall of the gavel.

The House resumed session at 1:06 p.m., Speaker Rants in the chair.

QUORUM CALL

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

On motion by Paulsen of Linn amendment [H-1219](#), as amended, was adopted.

Greiner of Washington offered amendment [H-1220](#) filed by Greiner, et al., as follows:

[H-1220](#)

- 1 Amend [House File 619](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 692A.4A ELECTRONIC
- 5 MONITORING.
- 6 A person required to register under this chapter
- 7 who is placed on probation, parole, work release, or
- 8 any other type of conditional release shall be
- 9 supervised by an electronic tracking and monitoring
- 10 system in addition to any other conditions of
- 11 supervision."
- 12 2. By renumbering as necessary.

Paulsen of Linn offered the following amendment [H-1227](#), to amendment [H-1220](#), filed by him from the floor and moved its adoption:

[H-1227](#)

- 1 Amend the amendment, [H-1220](#), to [House File 619](#) as
- 2 follows:
- 3 1. Page 1, line 8, by inserting after the word
- 4 "release" the following: ", or serving an additional
- 5 term of years under chapter 901A or section 902.14 or
- 6 903.2A,".

Amendment [H-1227](#) was adopted.

Drake of Pottawattamie in the chair at 1:20 p.m.

On motion by Greiner of Washington, amendment [H-1220](#), as amended, was adopted.

J.R. Van Fossen of Scott offered amendment [H-1221](#) filed by Speaker Rants as follows:

[H-1221](#)

- 1 Amend [House File 619](#) as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. NEW SECTION. 692A.2B RESTRICTIONS ON
- 5 RESIDENCY NEAR CHILD CARE FACILITIES OR SCHOOLS.
- 6 1. For purposes of this section, "person" means a
- 7 person who is required to register under this chapter.
- 8 2. A person shall not reside within one thousand

9 feet of the real property comprising a public or
 10 nonpublic elementary or secondary school or a child
 11 care facility.
 12 3. A person who resides within one thousand feet
 13 of the real property comprising a public or nonpublic
 14 elementary or secondary school, or a child care
 15 facility, commits an aggravated misdemeanor.
 16 4. A person residing within one thousand feet of
 17 the real property comprising a public or nonpublic
 18 elementary or secondary school or a child care
 19 facility does not commit a violation of this section
 20 if any of the following apply:
 21 a. The person is required to serve a sentence at a
 22 jail, prison, juvenile facility, or other correctional
 23 institution or facility.
 24 b. The person is subject to an order of commitment
 25 under chapter 229A.
 26 c. The person has established a residence prior to
 27 July 1, 2005, or a school or child care facility is
 28 newly located on or after July 1, 2005.
 29 d. The person is a minor or a ward under a
 30 guardianship.
 31 Sec. __. Section 692A.5, subsection 1, paragraph
 32 h, Code 2005, is amended to read as follows:
 33 h. Inform the person, if the person's residency is
 34 restricted under section 692A.2A, that the person
 35 shall not reside within two thousand feet of the real
 36 property comprising a public or nonpublic elementary
 37 or secondary school, or a child care facility. After
 38 June 30, 2005, inform the person, if the person's
 39 residency is restricted under section 692A.2B, that
 40 the person shall not reside within one thousand feet
 41 of the real property comprising a public or nonpublic
 42 elementary or secondary school, or a child care
 43 facility."
 44 2. By renumbering as necessary.

Speaker Rants in the chair at 1:31 p.m.

T. Taylor of Linn offered the following amendment [H-1232](#), to amendment [H-1221](#), filed by him from the floor and moved its adoption:

[H-1232](#)

1 Amend the amendment, [H-1221](#), to [House File 619](#) as
 2 follows:
 3 1. Page 1, by inserting before line 4 the
 4 following:
 5 ""Sec. __. Section 692A.1, subsection 8, Code

6 2005, is amended to read as follows:
7 8. "Residence" means the place where a person
8 sleeps, which may include more than one location, and
9 may be mobile or transitory including a shelter or
10 group home."

Amendment [H-1232](#) was adopted.

On motion by J.R. Van Fossen of Scott, amendment [H-1221](#), as amended, was deferred.

Jacobs of Polk asked and received unanimous consent that [House File 619](#) be deferred and that the bill retain its place on the calendar. (Amendment [H-1221](#), as amended, pending)

[House File 610](#), a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties, was taken up for consideration.

Dix of Butler offered the following amendment [H-1167](#) filed by him and Petersen of Polk and moved its adoption:

[H-1167](#)

1 Amend [House File 610](#) as follows:
2 1. Page 4, line 2, by striking the words
3 "SOLICITATIONS FOR" and inserting the following: "SALE
4 OR OFFER FOR DIRECT SALE OF".
5 2. Page 4, by striking lines 4 through 7, and
6 inserting the following:
7 "1. The retail sale or offer of direct retail sale
8 of a prescription drug, as defined in section 155A.3,
9 through the use of electronic mail or the internet by
10 a person other than a licensed pharmacist, physician,
11 dentist, optometrist, podiatric physician, or
12 veterinarian, is prohibited. A person who violates
13 this subsection is".
14 3. Title page, line 3, by striking the words
15 "solicitation of the purchase" and inserting the
16 following: "sale or offer for direct sale".

Amendment [H-1167](#) was adopted.

Dix of Butler 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. 610](#))

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
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	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	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Kurtenbach

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

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 610](#) be immediately messaged to the Senate.

House File 748, a bill for an act providing for state employee payroll deductions for qualified tuition program contributions, was taken up for consideration.

Tomenga 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. 748](#))

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
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
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.	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:

Taylor, T.

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

SPECIAL PRESENTATION

The House Memorial Choir sang 'The Star-Spangled Banner' and 'My Country 'Tis of Thee' before the House in honor of the Pioneer Lawmakers Joint Convention.

The House rose and expressed its appreciation.

COMMITTEE TO NOTIFY THE SENATE

Greiner of Washington moved that a committee of four be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee, Greiner of Washington, Alons of Sioux, Mascher of Johnson and Mertz of Kossuth.

Greiner of Washington, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention, reported the committee had performed its duty. The report was received and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station and the members of the Senate were seated in the House chamber.

JOINT CONVENTION PIONEER LAWMAKERS FIFTY-EIGHTH BIENNIAL SESSION

In accordance with [House Concurrent Resolution 4](#) duly adopted, the joint convention was called to order, President Kibbie presiding.

President Kibbie announced a quorum present and the joint convention duly organized.

Iverson of Wright moved that a committee of eight be appointed to escort the Pioneer Lawmakers into the House chamber.

The motion prevailed and the President appointed as such committee Connolly of Dubuque, Zieman of Allamakee, Tinsman of Scott and Rielly of Mahaska, on the part of the Senate, and Greiner of Washington, Alons of Sioux, Mascher of Johnson and Mertz of Kossuth on the part of the House.

The committee escorted the Pioneer Lawmakers into the House chamber.

President Kibbie presented Senator Dvorsky, who welcomed the Pioneer Lawmakers on behalf of the Senate.

President Kibbie presented Representative Christopher Rants, Speaker of the House, who welcomed the Pioneer Lawmakers on behalf of the House.

President Kibbie presented the Honorable Don Shultz, member of the House who responded to the welcome.

The Honorable Don Shultz announced the 1985 class of legislators who were eligible to become members of the Pioneer Lawmakers.

Honorary members of the 2005 class were the following:

Donald G. Hauser, Michael Heller, Kay Henderson, Bernie Koebernick, David Smitherman, Todd Schulz and Dawn Vance.

Representative Don Shultz introduced Steven Rapp, Senior Prosecutor for the United Nations at the International Criminal Tribunal for Rwanda, who addressed the joint convention as follows:

Mr. President, Mr. Speaker, colleagues, and friends.

You know that you have truly become an old-timer when you attend one of these biennial meetings and find that there are pioneer lawmakers who were first elected after you left office.

I see some of my fellow old-timers from the class of '73', from that year when a majority of legislators were new and many were young.

When we arrived the handful of veterans in these halls did not know what to expect. Three of us new Democrats, Tom Higgins, Mary O'Halloran, and myself, had originally been assigned to the full Appropriations Committee. But somebody in the leadership of the Republican majority feared that we would use our positions to push radical ideas, and we were re-assigned to the County Government Committee. This for me turned out to be a blessing in disguise-but at the time it was very well-disguised.

Being on County Government involved early morning meetings with our older rural colleagues, many of whom had already been up for hours. But there was no shortage of bills-stacks of them, most from the associations of counties and county officeholders. Soon I was working on the bills in subcommittee, trying to make constructive changes.

Not that I gave up on radical ideas. I made it my cause to push for the adoption of the three-factor formula for the corporate income tax—a bill that I was to discover had probably less chance of passage than the repeal of the right-to-work law.

But on County Government, I continued to work and by March I had a chance as minority member to manage a bill on the floor, [House File 175](#), to raise the \$.70 meal allowance paid to sheriffs for the feeding of prisoners in small county jails. But my Republican colleagues knew what they were doing. It was not a “Non-Con.” Indeed, when it reached the floor we heard that it would enrich sheriff's wives, while starving the prisoners. I discovered that I had been sent out into the battle between the rural and the urban, between Mom and Pop and the bureaucrats, and I was not on the expected side. In the end we worked out a compromise that was signed into law in May. It ended the possibility of profit, kept the sheriffs happy, and assured the prisoners their three squares a day.

Toward the end of that long session, I made the mistake of playing touch football, after doing nothing more strenuous for five months than lifting the Iowa Code. The result was announced in the House Chamber by David Stanley as a “3-factor fracture.” After the ankle was pinned and I was wheeled out of the recovery room, I was pleased that my first visitors were my colleagues from the other party on the County Government Committee.

I do not want to give you the impression that I got along with all of my Republican colleagues. That first year I do not remember ever exchanging a greeting with Grumpy Fisher. However, in the second year, we teamed together to support no-fault automobile insurance. I recall the day when we defeated a killer amendment on a cliff-hanging vote that ended with a count of 49 to 48. Grumpy and I literally danced a jig in the back of chamber. Of course, then as now, it took more than 49 votes to pass a bill and even together we could not get there.

I discovered as well that it was possible to have good relations not just with sometime allies on the other side, but also with dedicated adversaries. In 1974, Chuck Grassley and I ran for the same Congressional seat, both in crowded primary fields. I remember sitting together on that back bench discussing how we could manage to win on shoestring budgets against better financed opponents. I recall one evening when we decided to save money by riding together to a joint event up by the Minnesota line. In the interest of cost-savings, we even let Jim Flansburg of the Register come along on the ride.

As you know, for the last four years I have been working in a very different arena. There I confront persons who were leaders of a state-the Republic of Rwanda. It is a state in which 800,000 men, women and children were butchered in 14 weeks from April to July in 1994. An average 8000 were killed each day-the equivalent of three World Trade Centers a day in a place one-fifth the size of Iowa. The murders were committed at a rate greater than that of the Nazi death machine at its most efficient.

We have 69 of these former leaders in custody. They were arrested in 26 countries, and brought to Arusha in Tanzania to stand trial, before a court constituted by the UN Security Council and finance by 191 nations, on indictments charging genocide and crimes against humanity.

There is a tendency in the West to see the Rwanda genocide as an episode of spontaneous violence in a primitive society. That is not true. Rwanda is certainly poor, but it is one of the most comprehensively administered societies in the world. The leaders who sit in the UN Detention Facility in Arusha are persons of education, who studied in Europe or in North America, and who held key positions in government, in politics, in business, in the media, in academia, in the military, and in the Church, both Catholic and protestant.

There is also a tendency to see the Rwanda genocide as something that could only happen in Africa. That is not true. We have only to remember the contemporaneous mass murders in the former Yugoslavia, and the genocide of the Jews and the extermination and enslavement of other national groups-crimes committed in living memory by persons with whom many of us share a common heritage.

In the trial of the Media leaders, I looked across each day and eventually cross-examined Professor Ferdinand Nahimana, a man who for a while had pursued an academic career in African history that one of his lawyers had compared to that of my wife Dolly. Now I often spend weeks dealing one-on-one with individuals who have confessed to their part in the genocide and who we hope, after submitting to the justice system themselves, will be witnesses against their former colleagues. Some were successful business men, persons devoted to their families, but who took the leadership in creating and financing the national youth group that became the killing corps of the genocide.

What motivated such individuals to become the organizers of mass murder?

There was first the sense that they were the victims. For decades, some say centuries, the minority Tutsis had dominated, and the majority Hutus had been oppressed. When the Hutus gained dominance at the time of independence in the early 1960's, forcing hundreds of thousands of Tutsis to flee, there was a fear that if the Tutsis were allowed even a share of power they would soon dominate again, and reduce the Hutus to slavery. This fear was greatest among those who had the most to lose. But they used it with great effect to rekindle the enmity between ordinary Hutus and Tutsis who in many cases had intermarried and built business and personal relations across the ethnic divide.

There was no hope that disputes would be decided fairly. Only power mattered. A small group of Hutus from the north held the political power, and their associates had been allowed to gain economic advantages, and amass great wealth. When that was

criticized they sent their supporters to violently attack their opponents, with no expectation that they would be punished for their conduct.

Those whose positions were threatened built support by demonizing the Tutsis minority group. In this they were aided by the fact that the country was at war with a rebel force that was dominated by the children of the Tutsis refugees that had fled in the 1960's. They diverted attention from the fact that one small group of Hutus had all the power and wealth, by calling on all Hutus to unite against the eternal enemy the Tutsis. Those Hutus who would ally themselves with the Tutsis were the worst, and in the genocide were the first victims, because they were traitors to their own kind.

There was a willingness to use any means. The unemployed youth were recruited, and armed, and trained and eventually unleashed. They were the most avid killers, but they were only part of the killing force. There was the military, the national police, the local administration, but also hundreds of thousands of ordinary civilians who took their place on barriers that each few yards crossed every street and highway, and enlisted in night patrols, identifying and flushing out their Tutsis neighbors and sometimes joining in their slaughter. As they did they listened to the propaganda. It praised them for working, as killing was known during the genocide. It told them that the work was necessary because the Tutsis had dug a grave for the Hutus, they must fill it with the Tutsis or the Hutus themselves would be the victims. It mocked and dehumanized the Tutsis, as cockroaches, and snakes, and in an overwhelming Christian country it was even said that the Virgin Mary has appeared to say that the Tutsis deserve their fate. It put people in fear that if they opposed the killing, even if they did not at least appear to participate, that they themselves would be targeted, the names of themselves and their families read on the radio to the hearing of thousands of machete-wielding killers who would be awaiting their arrival at the roadblocks.

It is a long way from Iowa to Rwanda. But both the killers and the victims were humans like we are. Close up one can see that even the killers were motivated by similar desires for security for themselves and their families and were intensely fearful of anything that could take it away. They made choices. As humans we all make choices, whether to seek common ground, or sow division; whether to build or to tear down; whether to settle disputes by peaceful means or by violence; whether to do good, or to do evil.

Thinking of these choices I am reminded of the lessons taught and the lessons learned here in the halls of this Iowa Legislature. One learned that the winner who takes all will likely lose all on another day, that the best solutions often involve compromise, that an adversary today can be an ally tomorrow. One learned as well that differences are often superficial, that persons of widely different backgrounds can find common elements in their experiences, and that even adversaries can be just as well-motivated as oneself and can sometimes even have it right. Of course, one also came to know that even as one writes the law, there are rules that cannot be changed, and lines that cannot be crossed, the violation of which will earn the disapproval of friend and foe alike.

Of course we were not in civil war in 1973, or in 2005. But in our history we have had groups victimized, we have had regional conflict that took generations to heal, we have had social tensions that erupted into violence. We have learned that the best answer lies in institutions like this one, where conflicts are fought with words, where

interests are balanced, where resolutions are reached that we may not like but that we can accept.

Seeing what can happen in the world, underlines not just necessity of this process, but also of its fragility. Preserving it requires us to each day make the choice not to cross the line, not to make adversaries into enemies, not to demonize the opposition, and while pushing hard for what one knows is right, to remember that each has his or her own view of what is right that is entitled to our understanding and respect.

Gipp of Winneshiek moved that the joint session dissolve at 2:49 p.m.

The House resumed session at 3:10 p.m., Speaker Rants in the chair.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 748](#) be immediately messaged to the Senate.

Regular Calendar

[House File 797](#), a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts, was taken up for consideration.

Wildurdyke of Harrison offered the following amendment [H-1098](#) filed by him and moved its adoption:

[H-1098](#)

- 1 Amend [House File 797](#) as follows:
- 2 1. Page 1, line 12, by striking the words
- 3 "located in".

Amendment [H-1098](#) was adopted.

Wildurdyke of Harrison offered the following amendment [H-1115](#) filed by him and moved its adoption:

[H-1115](#)

- 1 Amend [House File 797](#) as follows:
- 2 1. Page 1, by striking lines 18 through 20 and
- 3 inserting the following: "districts, as established

4 in 2005 Iowa Acts, if enacted. Methods used to
 5 maximize the visibility and visitation of such
 6 locations may include the use of tourism literature,
 7 signage on highways, maps of the state and cities, and
 8 internet websites. For".

Amendment [H-1115](#) was adopted.

Wildurdyke of Harrison 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. 797](#))

The ayes were, 100:

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
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
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	Wildurdyke
Winckler	Wise	Zirkelbach	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

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

[HOUSE FILE 34](#) WITHDRAWN

Wilderdyke of Harrison asked and received unanimous consent to withdraw [House File 34](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 797](#) be immediately messaged to the Senate.

The House resumed consideration of [House File 619](#), a bill for an act establishing a sex offender registry database task force within the department of administrative services, previously deferred. (Amendment [H-1221](#), as amended, found on page 945 of the House Journal, pending.)

Davitt of Warren offered the following amendment [H-1237](#), to amendment [H-1221](#), filed by him from the floor and moved its adoption:

[H-1237](#)

1 Amend the amendment, [H-1221](#), to [House File 619](#) as
2 follows:
3 1. Page 1, by inserting after line 43 the
4 following:
5 "Sec. __. Section 692A.13, Code 2005, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 5A. The department, on an annual
8 basis, shall publish all the names and addresses of
9 the registered sex offenders in each county in a
10 newspaper of general circulation in the county. The
11 department, on a monthly basis, shall also publish any
12 new additions to the sex offender registry for each
13 county in a newspaper of general circulation in the
14 county. Notwithstanding section 618.10, the costs for
15 publication shall be submitted to the treasurer of
16 state and shall be paid by the treasurer of state from
17 the general fund of the state, otherwise publication
18 shall be pursuant to chapter 618. The treasurer of
19 state, in consultation with the department, shall
20 adopt rules in accordance with chapter 17A to
21 implement this subsection."

Amendment [H-1237](#) was adopted.

On motion by J.R. Van Fossen of Scott, amendment [H-1221](#), as amended, was adopted.

Hutter of Scott offered the following amendment [H-1191](#) filed by Hutter, et al., and moved its adoption:

[H-1191](#)

- 1 Amend [House File 619](#) as follows:
- 2 1. Page 2, line 9, by striking the words "and the
- 3 general assembly by July 1, 2006" and inserting the
- 4 following: ", judicial branch, and the general
- 5 assembly by December 30, 2005".

Amendment [H-1191](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 619](#))

The ayes were, 100:

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
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
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 Winckler	Whitaker Wise	Whitead Zirkelbach	Wilderdyke Mr. Speaker Rants
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The nays were, none.

Absent or not voting, none.

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

[HOUSE FILE 442](#) WITHDRAWN

Hutter of Scott asked and received unanimous consent to withdraw [House File 442](#) from further consideration by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 619](#) be immediately messaged to the Senate.

Appropriations Calendar

[House File 816](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents, was taken up for consideration.

The House stood at ease at 4:08 p.m., until the fall of the gavel.

The House resumed session at 5:18 p.m., Speaker Rants in the chair.

Miller of Webster asked and received unanimous consent to defer on amendment [H-1217](#).

Alons of Sioux offered the amendment [H-1173](#) filed by Alons, et al., as follows:

[H-1173](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. Page 3, by inserting after line 16 the

3 following:
 4 "An entity that receives grant funds from the
 5 department of cultural affairs shall not display
 6 before the general public any art or cultural-related
 7 project that contains obscene material, as defined in
 8 section 728.1, unless the entity has in place a plan
 9 to warn patrons that the project contains material
 10 that is adult in nature and is inappropriate for
 11 persons under the age of 18, to display the project in
 12 an area set aside for viewing by persons age 18 or
 13 over, or to take precautions to prevent children under
 14 the age of 18 from viewing the project."

Murphy of Dubuque rose on a point of order that amendment [H-1173](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1173](#) not germane.

Oldson of Polk offered the following amendment [H-1213](#) filed by Oldson, et al., and moved its adoption:

[H-1213](#)

1 Amend [House File 816](#) as follows:
 2 1. Page 8, by striking line 25 and inserting the
 3 following:
 4\$ 42,681,594"
 5 2. Page 8, line 28, by striking the figure
 6 "300,000" and inserting the following: "500,000".
 7 3. Page 10, by inserting after line 17 the
 8 following:
 9 "g. Of the amount appropriated in this subsection
 10 for deposit in the school ready children grants
 11 account of the Iowa empowerment fund that is used for
 12 distribution to areas, \$20,000,000 shall be used by
 13 the Iowa empowerment board to provide funding,
 14 support, and technical assistance to expand programs
 15 directed to children from birth through age five."
 16 4. By renumbering, redesignating, and correcting
 17 internal references as necessary.

Roberts of Carroll in the chair at 5:32 p.m.

Roll call was requested by Kuhn of Floyd and Reasoner of Union.

On the question "Shall amendment [H-1213](#) be adopted?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Roberts, Presiding	

Absent or not voting, none.

Amendment [H-1213](#) lost.

Wendt of Woodbury offered the following amendment [H-1215](#) filed by Wendt, et al., and moved its adoption:

[H-1215](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. Page 10, by striking line 29 and inserting the
- 3 following:
- 4 "..... § 92,683,894"
- 5 2. By striking page 12, line 4, through page 13,
- 6 line 21.
- 7 3. Page 29, lines 34 and 35, by striking the
- 8 words "~~one hundred fifty eighty-five~~" and insertig
- 9 the following: "~~six hundred fifty~~".

- 10 4. By striking page 30, line 18, through page 31,
 11 line 3.
 12 5. By renumbering, redesignating, and correcting
 13 internal references as necessary.

Roll call was requested by Reasoner of Union and T. Taylor of Linn.

Rule 75 was invoked.

On the question "Shall amendment [H-1215](#) be adopted?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Roberts,		
	Presiding		

Absent or not voting, 1:

Struyk

Amendment [H-1215](#) lost.

Frevert of Palo Alto offered the following amendment [H-1214](#) filed by her and moved its adoption:

[H-1214](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. By striking page 10, line 33 through page 11,
- 3 line 15, and inserting the following:
- 4 "..... \$147,579,244
- 5 The funds appropriated in this subsection shall be
- 6 allocated as follows:
- 7 a. Merged Area I..... \$ 7,124,315
- 8 b. Merged Area II..... \$ 8,258,602
- 9 c. Merged Area III..... \$ 7,650,479
- 10 d. Merged Area IV..... \$ 3,746,521
- 11 e. Merged Area V..... \$ 7,926,341
- 12 f. Merged Area VI..... \$ 7,261,075
- 13 g. Merged Area VII..... \$ 10,560,846
- 14 h. Merged Area IX..... \$ 13,005,054
- 15 i. Merged Area X..... \$ 20,603,300
- 16 j. Merged Area XI..... \$ 21,745,905
- 17 k. Merged Area XII..... \$ 8,535,410
- 18 l. Merged Area XIII..... \$ 8,754,676
- 19 m. Merged Area XIV..... \$ 3,791,821
- 20 n. Merged Area XV..... \$ 11,924,610
- 21 o. Merged Area XVI..... \$ 6,690,289

Roll call was requested by Murphy of Dubuque and Whitaker of Van Buren.

On the question "Shall amendment [H-1214](#) be adopted?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell

Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Roberts, Presiding	

Absent or not voting, none.

Amendment [H-1214](#) lost.

Wessel-Kroeschell of Story offered the following amendment [H-1216](#) filed by Wessel-Kroeschell, et al., and moved its adoption:

[H-1216](#)

1 Amend [House File 816](#) as follows:
 2 1. Page 14, by striking line 33 and inserting the
 3 following:
 4 "..... § 20,000,000"

Roll call was requested by Reasoner of Union and Oldson of Polk.

On the question "Shall amendment [H-1216](#) be adopted?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hogg	Hunter	Huser	Jacoby
Jochum	Kressig	Kuhn	Lensing
Lykam	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk

Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Roberts,	
		Presiding	

Absent or not voting, none.

Amendment [H-1216](#) lost.

Gipp of Winneshiek asked and received unanimous consent that [House File 816](#) be deferred and that the bill retain its place on the calendar.

On motion by Gipp of Winneshiek, the House was recessed at 6:47 p.m., until conclusion of the Memorial Service.

**MEMORIAL SERVICE
EIGHTY-FIRST GENERAL ASSEMBLY
HOUSE CHAMBER
WEDNESDAY, MARCH 30, 2005**

PROGRAM

Representative Sandra H. Greiner, Presiding

Prelude	A Capella Ensemble
“The Star-Spangled Banner”	Francis Scott Key
“My Country, ‘Tis of Thee”	Samuel F. Smith
	Memorial Choir

Invocation Representative Sandra H. Greiner

MEMORIALS

Readers: Senator Angelo, Senator Putney

Hon. Ashcraft (S)	Hon. Reno (S)
Hon. Davis (S)	Hon. Rhodes (S)
Hon. Hill (S)	Hon. Shaff (S)
Hon. Peterson (S)	Hon. Shirley (S)

“In This Very Room” Ron and Carol Harris

Memorial Choir

MEMORIALS

Readers: Senator Johnson, Senator Connolly,

Representative Maddox, Senator Fraise

Hon. Bergman (H&S)	Hon. Beck (H)
Hon. Lura (H&S)	Hon. Brinck (H)
Hon. Nystrom (H&S)	Hon. Davis (H)
Hon. Reichardt (H&S)	Hon. Fisher (H)

“Be Thou My Vision” Alice Parker

Joni Carroll and Curtis Carroll

MEMORIALS

Readers: Representative Dolecheck, Representative Wendt,

Representative Upmeyer, Representative Greiner,

Representative Jenkins

Hon. Gross (H)	Hon. Owen (H)	Hon. Stromer (H)
Hon. Johnson (H)	Hon. Robinson (H)	Hon. Swearingen (H)
Hon. Moffitt (H)	Hon. Scheelhaase (H)	Hon. Uban (H)
Hon. Monroe (H)	Hon. Scherle (H)	Hon. Wyckoff (H)

“The God of Hope Be With You” Ken Bible and Tom Fettke

A Capella Ensemble

*Senate — (S) and House — (H)

IN MEMORIAM

SERVED IN THE SENATE

Honorable Forrest F. Ashcraft (Scott County): 67th, 67thX (1977-1978)

Honorable Wilson L. Davis (Lee County): 2nd half of 63rd, 64th (1970-1972)

Honorable Eugene M. Hill (Jasper County): 58th, 59th, 60th, 60thX, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX (1959-1978)

Honorable John A. Peterson (Monroe County): 2nd half of 71st, 72nd, 72ndX, 72ndXX, 73rd, 74th, 74thX, 74thXX (1986-1992)

Honorable Max E. Reno (Van Buren County): 61st, 62nd (1965-1968)

Honorable John C. Rhodes (Lucas County): 64th (1971-1972)

Honorable Roger J. Shaff (Clinton County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX (1967-1978)

Honorable Edwin Alan Shirley (Dallas County): 61st, 62nd, 63rd (1965-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES AND THE SENATE

Honorable Irvin L. Bergman (Osceola County): House – 62nd, 63rd, 64th (1967-1972); Senate – 65th, 66th, 67th, 67thX, 68th (1973-1980)

Honorable Michael R. “Mick” Lura (Marshall County): House – 68th (1979-1980); Senate – 69th, 69thX, 69thXX, 1st half of 70th (1981-1983)

Honorable John N. “Jack” Nystrom (Boone County): House – 64th (1971-1972); Senate – 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, 73rd, first half of 74th (1973-1991)

Honorable William J. “Bill” Reichardt (Polk County): House – 61st (1965-1966); Senate – 62nd, 63rd (1967-1970)

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable Robert K. Beck (Appanoose County): 55th (1953-1954)

Honorable Adrian B. Brinck (Lee County): 58th, 61st, 63rd, 65th (1959-1960, 1965-1966, 1969-1970, 1973-1974)

Honorable Galen M. Davis (Wapello County): 78th (1999-2000)

Honorable C. Raymond Fisher (Greene County): 58th, 59th, 60th, 60thX, 61st, 62nd, 63rd, 64th, 65th (1959-1974)

Honorable L.W. Joe Gross (Ringgold County): 69th, 69thX, 69thXX (1981-1982)

Honorable Carroll Johnson (Marion County): 48th, 49th, 50th, 50thX (1939-1944)

Honorable Delmont T. Moffitt (Appanoose County): 59th, 60th, 60thX, 62nd, 64th (1961-1964, 1967-1968, 1971-1972)

IN MEMORIAM

SERVED IN THE HOUSE OF REPRESENTATIVES

Honorable William R. "Bill" Monroe, Jr. (Des Moines County): 64th, 65th, 66th, 67th, 67thX (1971-1978)

Honorable Kenneth E. Owen (Appanoose County): 56th, 57th, 58th (1955-1960)

Honorable Kenneth A. Robinson (Guthrie County): 61st (1965-1966)

Honorable H. Lyle Scheelhaase (Woodbury County): 66th, 67th, 67thX (1975-1978)

Honorable William J. Scherle (Mills County): 59th, 60th, 60thX, 61st (1961-1966)

Honorable Delwyn D. Stromer (Hancock County): 62nd, 63rd, 64th, 65th, 66th, 67th, 67thX, 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX, 1st half of 73rd (1967-1989)

Honorable George R. Swearingen (Keokuk County): 68th, 69th, 69thX, 69thXX, 70th, 71st, 72nd, 72ndX, 72ndXX (1979-1988)

Honorable Charles J. Uban, II (Black Hawk County): 61st, 64th (1965-1966, 1971-1972)

Honorable Russell L. "Dutch" Wyckoff (Benton County): 64th, 65th, 66th, 67th, 67thX (1971-1978)

Candle Lighters

Senator John P. Kibbie
 Senator Frank Wood
 Representative Swati A. Dandekar
 Representative Jodi S. Tymeson

Senate Memorial Committee

Senator Bob Brunkhorst
 Senator Michael Connolly
 Senator Thomas Rielly
 Senator Maggie Tinsman

Hosts

Senator Daryl Beall
 Senator Tom Hancock
 Senator Amanda Ragan
 Representative Robert M. Hogg
 Representative Vicki S. Lensing
 Representative Helen Miller

House Memorial Committee

Representative Sandra H. Greiner
 Representative Dwayne A. Alons
 Representative Mary Mascher
 Representative Dolores M. Mertz

Choir Director: Jill Beni
 Accompanists: Shelley Dolf, Erin Hopp and Debrah Lalk
 Piano furnished by St. Augustin's School, Des Moines
 Flowers Arranged by The Bloomin' Greenery, Indianola, Iowa

EVENING SESSION

The House reconvened at 8:35 p.m., Speaker Rants in the chair.

The House resumed consideration of [House File 816](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents, previously deferred.

Jenkins of Black Hawk offered amendment [H-1222](#) filed by him and Kurtenbach of Story as follows:

[H-1222](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. Page 14, line 33, by striking the figure
- 3 "6,284,644" and inserting the following: "12,569,288".
- 4 2. By striking page 14, line 34 through page 15,
- 5 line 8 and inserting the following:
- 6 "The funds appropriated for purposes of this
- 7 lettered paragraph are subject to the following
- 8 allocations and requirements:
- 9 (1) The funds shall be distributed on a pro rata
- 10 basis to the universities' general operating budget
- 11 units by the board as outlined in the state board of
- 12 regents partnership for transformation and excellence
- 13 and for pay adjustments, expense reimbursements, and
- 14 related benefits for state board of regents employees
- 15 covered by a collective bargaining agreement and for
- 16 state board of regents not covered by a collective
- 17 bargaining agreement. The state board of regents
- 18 shall provide from other available sources any
- 19 additional funding needed for such pay adjustments,
- 20 expense reimbursements, and related benefits.
- 21 (2) The state university of Iowa, the Iowa state
- 22 university of science and technology, and the
- 23 university of northern Iowa shall each generate
- 24 matching internal reallocations in an amount equal to
- 25 50 percent of the prorated amounts received by the
- 26 universities pursuant to this lettered paragraph.
- 27 (3) The partnership for transformation and
- 28 excellence is a four-year partnership plan for the
- 29 purpose of enhancing the regents' strategic priorities
- 30 for educational quality and public accountability.
- 31 Under the plan, Iowa students and families will be
- 32 subject to moderate student tuition increases, and a
- 33 clear and concise reallocation plan that may be
- 34 audited will exist to strengthen the academic focus at
- 35 the regents universities. The reallocation plan will

36 enhance the quality of the regents universities and
37 provide both an incentive and an opportunity for
38 university-wide reprioritization and reallocation of
39 resources to the most important strategic areas.
40 (4) The state board of regents shall annually set
41 a target dollar amount or percentage figure of
42 expected reallocation of resources for each
43 university. The universities shall report to the
44 board on a semiannual basis regarding the actions
45 taken relating to the reallocations. Once funds have
46 been reallocated, that amount shall not be redirected
47 to the original entity or purpose unless extraordinary
48 circumstances exist and an equivalent reallocation
49 amount is increased for the same fiscal year. A
50 reallocation of resources may be made for any of the

Page 2

1 following purposes:
2 (a) Supporting new strategic initiatives.
3 (b) Meeting enrollment increases.
4 (c) Meeting the demand for new courses and
5 services.
6 (d) Funding new but unavoidable or mandated cost
7 increases.
8 (e) Supporting any other initiatives important to
9 the core functions of the university.
10 (5) For the purposes of this lettered paragraph:
11 (a) "Entity" means a president, vice president, or
12 a college, academic or nonacademic department,
13 division, program, or other unit.
14 (b) "Reallocation of resources" means funds within
15 the base budget of a university entity are removed by
16 the administrator of that entity and redirected to
17 another university entity or purpose.
18 (6) From the moneys allocated to the Iowa state
19 university of science and technology pursuant to this
20 lettered paragraph, an amount equal to \$250,000 shall
21 be distributed to the college of veterinary medicine
22 to reduce the operating fees charged by the veterinary
23 diagnostic laboratory. If Iowa state university of
24 science and technology fails to distribute funds to
25 the college of veterinary science in accordance with
26 this paragraph, the moneys shall revert to the general
27 fund of the state."

QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

Jenkins of Black Hawk asked and received unanimous consent to withdraw amendment [H-1233](#) to amendment [H-1222](#), filed by him and Kurtenbach of Story from the floor.

Jenkins of Black Hawk offered the following amendment [H-1242](#), to amendment [H-1222](#), filed by him and Kurtenbach of Story from the floor and moved its adoption:

[H-1242](#)

1 Amend the amendment, [H-1222](#), to [House File 816](#) as
2 follows:

3 1. By striking page 1, line 9, through page 2,
4 line 17 and inserting the following:

5 "(1) The partnership for transformation and
6 excellence is a four-year partnership plan created by
7 the state board of regents for the purpose of
8 enhancing the regents' strategic priorities for
9 educational quality and public accountability. Under
10 the plan, Iowa students and families will be subject
11 to moderate student tuition increases, and a clear and
12 concise reallocation plan that may be audited will
13 exist to strengthen the academic focus at the regents
14 universities. The reallocation plan will enhance the
15 quality of the regents universities and provide both
16 an incentive and an opportunity for university-wide
17 reprioritization and reallocation of resources to the
18 most important strategic areas.

19 (2) The funds shall be distributed by the board as
20 outlined in the state board of regents partnership for
21 transformation and excellence. The funds may be used
22 for any of the following purposes:

23 (a) Supporting new strategic initiatives.

24 (b) Meeting enrollment increases.

25 (c) Meeting the demand for new courses and
26 services.

27 (d) Funding new but unavoidable or mandated cost
28 increases.

29 (e) Supporting any other initiatives important to
30 the core functions of the university.

31 The funds may also be used for pay adjustments,
32 expense reimbursements, and related benefits for state
33 board of regents employees covered by a collective
34 bargaining agreement and for state board of regents
35 employees not covered by a collective bargaining
36 agreement. The board shall provide from other
37 available sources any additional funding needed for
38 such pay adjustments, expense reimbursements, and
39 related benefits.

40 (3) The state board of regents shall annually set

41 a target dollar amount or percentage figure of
42 expected reallocation of resources for each
43 university. The universities shall report to the
44 board on a semiannual basis regarding the actions
45 taken relating to the reallocations. Once funds have
46 been reallocated, that amount shall not be redirected
47 to the original entity or purpose unless extraordinary
48 circumstances exist and an equivalent reallocation
49 amount is increased for the same fiscal year. A
50 reallocation of resources may be made for any of the

Page 2

1 following purposes:
2 (a) Supporting new strategic initiatives.
3 (b) Meeting enrollment increases.
4 (c) Meeting the demand for new courses and
5 services.
6 (d) Funding new but unavoidable or mandated cost
7 increases.
8 (e) Supporting any other initiatives important to
9 the core functions of the university.
10 (4) For the purposes of this lettered paragraph:
11 (a) "Entity" means a president, vice president, or
12 a college, academic or nonacademic department,
13 division, program, or other unit.
14 (b) "Reallocation of resources" means funds within
15 the base budget of a university entity are removed by
16 the administrator of that entity and redirected to
17 another university entity or purpose.
18 (5) The state university of Iowa, the Iowa state
19 university of science and technology, and the
20 university of northern Iowa shall each generate
21 matching internal reallocations in an amount equal to
22 50 percent of the amounts received by the universities
23 pursuant to this lettered paragraph."
24 2. Page 2, line 20 by striking the figure
25 "250,000" and inserting the following: "50,000".
26 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 52, nays 45.

Amendment [H-1242](#) was adopted.

On motion by Jenkins of Black Hawk amendment [H-1222](#), as amended, was adopted.

Frevert of Palo Alto offered amendment [H-1209](#) filed by her as follows:

[H-1209](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. Page 20, by inserting after line 14 the
- 3 following:
- 4 "f. Veterinary diagnostic laboratory
- 5 For salaries, support, maintenance, miscellaneous
- 6 purposes, and for not more than the following full-
- 7 time equivalent positions:
- 8 \$ 4,000,000
- 9FTEs 15.00"
- 10 2. By renumbering, redesignating, and correcting
- 11 internal references as necessary.

Frevert of Palo Alto offered the following amendment [H-1244](#), to amendment [H-1209](#), filed by her from the floor and moved its adoption:

[H-1244](#)

- 1 Amend the amendment, [H-1209](#), to [House File 816](#), as
- 2 follows:
- 3 1. Page 1, by striking lines 5 through 9 and
- 4 inserting the following:
- 5 "For salaries, support, maintenance, and
- 6 miscellaneous purposes:
- 7 \$ 2,000,000"

Amendment [H-1244](#) was adopted.

Frevert of Palo Alto moved the adoption of amendment [H-1209](#), as amended.

Roll call was requested by Frevert of Palo Alto and Reasoner of Union.

Rule 75 was invoked.

On the question "Shall amendment [H-1209](#), as amended, be adopted?" ([H.F. 816](#))

The ayes were, 49:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Maddox	Mascher	McCarthy	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, R.	Petersen	Pettengill	Quirk
Reasoner	Reichert	Schueller	Shomshor
Shoultz	Smith	Swaim	Taylor, D.
Taylor, T.	Thomas	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	Wise
Zirkelbach			

The nays were, 50:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	May	Olson, S.	Paulsen
Raecker	Rasmussen	Rayhons	Roberts
Sands	Schickel	Soderberg	Struyk
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Mr. Speaker		
	Rants		

Absent or not voting, 1:

Fallon

Amendment [H-1209](#) lost.

Chambers of O'Brien offered the following amendment [H-1207](#) filed by him and moved its adoption:

[H-1207](#)

- 1 Amend [House File 816](#) as follows:
- 2 1. Page 27, line 23, by striking the word "Fifty-
- 3 five" and inserting the following: "~~Fifty-five~~ For
- 4 the fiscal year beginning July 1, 2004, and each
- 5 succeeding fiscal year, fifty-five".
- 6 2. Page 27, line 24, by inserting before the word
- 7 "reading" the following: "Iowa".

- 8 3. Page 27, by striking lines 26 through 32 and
 9 inserting the following: "developing reading recovery
 10 and literacy programs. The Iowa reading recovery
 11 council shall use the area education agency unified
 12 budget as its fiscal agent for grant moneys and for
 13 other moneys administered by the council."
- 14 4. Page 31, by inserting after line 3 the
 15 following:
 16 "Sec. __. EFFECTIVE DATE. The section of this
 17 Act that amends section 257B.1B, being deemed of
 18 immediate importance, takes effect upon enactment."
- 19 5. Title page, line 5, by inserting after the
 20 word "regents" the following: "and providing an
 21 effective date".
- 22 6. By renumbering as necessary.

Amendment [H-1207](#) was adopted.

Wendt of Woodbury asked and received unanimous consent to withdraw amendment [H-1208](#) filed by him on March 29, 2005.

Miller of Webster offered the following amendment [H-1217](#), previously deferred, filed by Miller, et al., and moved its adoption:

[H-1217](#)

- 1 Amend [House File 816](#) as follows:
 2 1. Page 2, by striking line 35 and inserting the
 3 following:
 4 "\$ 549,240"

Amendment [H-1217](#) lost.

Chambers of O'Brien offered amendment [H-1223](#), previously deferred, filed by him as follows:

[H-1223](#)

- 1 Amend [House File 816](#) as follows:
 2 1. Page 3, by striking lines 27 and 28 and
 3 inserting the following:
 4 "\$ 5,139,542
 5 FTEs 76.27"
 6 2. By striking page 11, line 24, through page 12,
 7 line 3, and inserting the following:
 8 "Notwithstanding section 272.10, for the fiscal
 9 year beginning July 1, 2005, and ending June 30, 2006,
 10 the executive director of the board of educational
 11 examiners shall deposit at least 27 percent of the

12 fees collected annually with the treasurer of state
13 which shall be credited to the general fund of the
14 state. The remaining licensing fees collected during
15 the fiscal year beginning July 1, 2005, and retained
16 are appropriated to the board for the purposes related
17 to the board's duties. Notwithstanding section 8.33,
18 licensing fees retained by and appropriated to the
19 board pursuant to this section that remain
20 unencumbered or unobligated at the close of the fiscal
21 year in an amount of not more than 10 percent of the
22 total licensing fees collected by the board by the
23 close of the fiscal year shall not revert but shall
24 remain available for expenditure for the purposes
25 designated until the close of the succeeding fiscal
26 year.

27 Sec. __. EDUCATOR LICENSING REVIEW WORKING GROUP.

28 1. The board of educational examiners, in
29 consultation with the department of education, shall
30 convene a working group whose work shall be conducted
31 over a three-year period to identify and recommend
32 measures to improve Iowa's current teacher and
33 administrator preparation and licensing practices.
34 The working group shall review the current teacher and
35 administrator preparation and licensing processes to
36 identify essential standards to maintain quality
37 preparation and licensing requirements for teachers
38 and administrators. The review shall also do the
39 following:

40 a. Identify state laws and agency rules that are
41 no longer essential to maintain quality.

42 b. Compare Iowa's teacher and administrator
43 preparation and licensing practices with those of
44 neighboring states, and identify those areas where
45 Iowa's practices differ from, or are consistent with,
46 the practices of the states neighboring Iowa.

47 c. Identify potential barriers preventing teacher
48 and administrator candidates from neighboring states
49 from applying for licensure in Iowa.

50 d. Review federal laws and regulations relating to

Page 2

1 teachers and teacher licensure in order to ensure
2 compliance with federal laws and regulations,
3 especially those relating to highly qualified
4 teachers.

5 2. The working group shall consist of teachers,
6 administrators, and representatives of the department
7 of education, the state board of education, the board
8 of educational examiners, and practitioner preparation
9 institutions.

10 3. The working group shall submit its findings and

11 recommendations to the chairpersons and ranking
12 members of the senate and house standing education
13 committees and the joint appropriations subcommittee
14 on education by January 15, 2009."

15 3. Page 21, line 17, by inserting after the words
16 "to the" the following: "department of management for
17 allocation to the".

18 4. Page 21, by striking line 24 and inserting the
19 following: "section 7K.1, and subject to the matching
20 fund requirement of that section, if enacted:"

21 5. Page 24, line 30, by inserting before the word
22 "community" the following: "state".

23 6. Page 25, by inserting after line 24 the
24 following:

25 "h. Promote partnerships between other Iowa
26 governance structures including, but not limited to,
27 cities and counties, and all areas of Iowa's education
28 system."

29 7. Page 25, line 27, by inserting after the word
30 "terms" the following: "beginning on May 1 of the
31 year of appointment".

32 8. Page 25, by striking lines 31 through 33 and
33 inserting the following:

34 "(1) A school district superintendent from a
35 school district with enrollment of more than one
36 thousand one hundred ninety-nine pupils, but fewer
37 than four thousand seven hundred forty-nine pupils."

38 9. Page 26, by striking lines 4 and 5 and
39 inserting the following:

40 "(5) An individual representing an Iowa
41 agriculture association."

42 10. Page 26, by striking lines 8 through 11 and
43 inserting the following:

44 "(1) A school district superintendent from a
45 school district with an enrollment of one thousand one
46 hundred ninety-nine or fewer pupils."

47 11. Page 26, by striking lines 14 and 15 and
48 inserting the following:

49 "(3) An individual representing an Iowa business
50 employing more than fifty employees but less than two

Page 3

1 hundred fifty employees."

2 12. Page 26, by striking lines 27 through 29 and
3 inserting the following:

4 "(3) An individual representing an Iowa business
5 employing fifty or fewer employees."

6 13. Page 26, by striking lines 32 and 33 and
7 inserting the following:

8 "(5) An individual representing a business that
9 established itself in Iowa on or after July 1, 1999."

10 14. Page 27, by striking line 7 and inserting the
11 following: "moneys are matched from other sources by
12 the institute on a dollar-for-dollar".

13 15. Page 27, line 19, by inserting after the word
14 "teachers." the following: "The report shall include
15 an accounting of the revenues and expenditures of the
16 institute."

17 16. Page 27, by inserting after line 32 the
18 following:

19 "Sec. __. Section 261.9, subsection 1, paragraph
20 b, Code 2005, is amended to read as follows:

21 b. Is accredited by the north central association
22 of colleges and secondary schools accrediting agency
23 based on their requirements, is exempt from taxation
24 under section 501(c)(3) of the Internal Revenue Code,
25 and annually provides a matching aggregate amount of
26 institutional financial aid equal to at least seventy-
27 five percent of the amount received in a fiscal year
28 by the institution's students for Iowa tuition grant
29 assistance under this chapter. Commencing with the
30 fiscal year beginning July 1, ~~2005~~ 2006, the matching
31 aggregate amount of institutional financial aid shall
32 increase by the percentage of increase each fiscal
33 year of funds appropriated for Iowa tuition grants
34 under section 261.25, subsection 1, to a maximum match
35 of one hundred percent. The institution shall file
36 annual reports with the commission prior to receipt of
37 tuition grant moneys under this chapter. An
38 institution whose income is not exempt from taxation
39 under section 501(c) of the Internal Revenue Code and
40 whose students were eligible to receive Iowa tuition
41 grant money in the fiscal year beginning July 1, 2003,
42 shall meet the match requirements of this paragraph no
43 later than June 30, 2005."

44 17. By striking page 27, line 35 through page 28,
45 line 21 and inserting the following:

46 "1. There is appropriated from the general fund of
47 the state to the commission for each fiscal year the
48 following:

49 a. The sum of ~~forty-seven~~ forty-four million ~~one~~
50 eight hundred ~~fifty-seven~~ fifty-five thousand ~~five~~

Page 4

1 nine hundred ~~fifteen~~ sixty-nine dollars for tuitin
2 grants for distribution to qualified students enrolled
3 at accredited private institutions that are exempt
4 from taxation under section 501(c)(3) of the Internal
5 Revenue Code.

6 b. From the funds appropriated in this subsection,
7 ~~Xnot more than three~~ The sum of four million ~~four~~ eight
8 hundred seventeen thousand six hundred six dollars ~~may~~

9 ~~be distributed to~~ for distribution to qualified
10 students enrolled at accredited private institutions
11 whose income is not exempt from taxation under section
12 501(c) of the Internal Revenue Code and whose students
13 were eligible to receive Iowa tuition grant moneys in
14 the fiscal year beginning July 1, 2003. A for-profit
15 institution".

16 18. Page 28, by inserting after line 25 the
17 following:

18 "Sec. NEW SECTION. 272.29 ANNUAL
19 ADMINISTRATIVE RULES REVIEW.

20 The executive director shall annually review the
21 administrative rules adopted pursuant to this chapter
22 and related state laws. The executive director shall
23 annually submit the executive director's findings and
24 recommendations in a report to the board and the
25 chairpersons and ranking members of the senate and
26 house standing committees on education and the joint
27 appropriations subcommittee on education by January
28 15."

29 19. By renumbering, redesignating, and correcting
30 internal references as necessary.

Alons of Sioux offered amendment [H-1254](#), to amendment [H-1223](#), filed by him, De Boef of Keokuk and Chambers of O'Brien from the floor as follows:

[H-1254](#)

1 Amend the amendment, [H-1223](#), to [House File 816](#) as
2 follows:

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

5 "___ Page 3, line 13, by inserting after the
6 word "grants" the following: "and provisions that
7 prohibit an entity that receives grant funds from the
8 department of cultural affairs from displaying before
9 the general public any art or cultural-related project
10 that contains obscene material, as defined in section
11 728.1, unless the entity has in place a plan to warn
12 patrons that the project contains material that is
13 adult in nature and is inappropriate for persons under
14 the age of 18, and which require the grant recipient
15 to display the project in an area set aside for
16 viewing by persons age 18 or over, or to take
17 precautions to prevent children under the age of 18
18 from viewing the project,"".

19 2. By renumbering, redesignating, and correcting
20 internal references as necessary.

Murphy of Dubuque rose on a point of order that amendment [H-1254](#) was not germane, to amendment [H-1223](#).

The Speaker ruled the point well taken and amendment [H-1254](#) not germane, to amendment [H-1223](#).

Alons of Sioux moved to suspend the rules to consider amendment [H-1254](#) to amendment [H-1223](#).

Roll call was requested by Alons of Sioux and Greiner of Washington.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment [H-1254](#) to amendment [H-1223](#)?" ([H.F. 816](#))

The ayes were, 63:

Alons	Arnold	Baudler	Boal
Carroll	Chambers	Dandekar	De Boef
Dix	Dolecheck	Drake	Eichhorn
Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Olson, S.	Paulsen	Pettengill	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Shomshor
Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tymeson	Upmeyer	Van Engelenhoven
Van Fossen, J.K.	Van Fossen, J.R.	Watts	Whitaker
Whitead	Wilderdyke	Mr. Speaker	
		Rants	

The nays were, 34:

Anderson	Bell	Berry	Bukta
Cohoon	Davitt	Fallon	Ford
Frevert	Gaskill	Heddens	Hunter
Jacoby	Jochum	Kressig	Kuhn
Lensing	Mascher	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Petersen
Schueller	Shultz	Smith	Taylor, T.
Tomenga	Wendt	Wessel-Kroeschell	Winckler
Wise	Zirkelbach		

Absent or not voting, 3:

Foege Quirk Taylor, D.

The motion to suspend the rules prevailed.

Alons of Sioux asked and received unanimous consent to withdraw amendment [H-1254](#) to amendment [H-1223](#) filed by him from the floor.

Chambers of O'Brien offered the following amendment [H-1229](#), to amendment [H-1223](#), filed by him from the floor and moved its adoption:

[H-1229](#)

- 1 Amend the amendment, [H-1223](#), to [House File 816](#) as
- 2 follows:
- 3 1. Page 2, line 10, by inserting after the word
- 4 "shall" the following: "annually".
- 5 2. Page 2, line 14, by striking the figure "
- 6 2009".

Amendment [H-1229](#) was adopted.

Roberts of Carroll in the chair at 10:30 p.m.

Ford of Polk offered the following amendment [H-1248](#), to amendment [H-1223](#), filed by him from the floor and moved its adoption:

[H-1248](#)

- 1 Amend the amendment, [H-1223](#), to [House File 816](#) as
- 2 follows:
- 3 1. Page 2, by inserting after line 28 the
- 4 following:
- 5 "i. Identify ways to reduce the achievement gap
- 6 between white and non-white, non-Asian students."
- 7 2. By renumbering, redesignating, and correcting
- 8 internal references as necessary.

Amendment [H-1248](#) was adopted.

Mascher of Johnson asked and received unanimous consent to withdraw amendment [H-1245](#) filed by her from the floor.

Chambers of O'Brien offered the following amendment [H-1253](#), to amendment [H-1223](#), filed by him from the floor and moved its adoption:

[H-1253](#)

- 1 Amend the amendment, [H-1223](#), to [House File 816](#) as
- 2 follows:
- 3 1. Page 2, by striking lines 35 through 37 and
- 4 inserting the following: "school district with
- 5 enrollment of one thousand one hundred forty-nine or
- 6 fewer pupils."
- 7 2. Page 2, by striking lines 44 through 46 and
- 8 inserting the following:
- 9 "(1) An individual representing the area education
- 10 agencies."
- 11 3. Page 3, by inserting after line 1 the
- 12 following:
- 13 "___". Page 26, by striking lines 23 and 24 and
- 14 inserting the following: "district with an enrollment
- 15 of more than one thousand one hundred forty-nine
- 16 pupils."
- 17 4. By renumbering, redesignating, and correcting
- 18 internal references as necessary.

Speaker pro tempore Carroll in the chair at 10:37 p.m.

Amendment [H-1253](#) was adopted.

Boal of Polk offered the following amendment [H-1235](#), to amendment [H-1223](#), filed by her, Roberts of Carroll, Alons of Sioux, Freeman of Buena Vista, Raecker of Polk and Kaufmann of Cedar from the floor and moved its adoption:

[H-1235](#)

- 1 Amend the amendment, [H-1223](#), to [House File 816](#) as
- 2 follows:
- 3 1. Page 4, by inserting after line 15 the
- 4 following:
- 5 "___". Page 28, by inserting after line 25 the
- 6 following:
- 7 "If an accredited private institution has an
- 8 average default rate of ten percent or more within the
- 9 most recent consecutive three-year period as
- 10 determined by the commission using the official cohort
- 11 default rates for schools released annually by the
- 12 United States department of education, the total

13 amount of tuition grant moneys calculated by the
14 commission for award to qualified students enrolled in
15 the accredited private institution shall be reduced by
16 one percent for each one-tenth of a percentage point
17 in which the institution exceeds the ten percent
18 default average. The sum of the moneys retained by
19 the commission as a result of the reduction shall be
20 redistributed by the commission on a pro rata basis
21 under the state student aid programs administered by
22 the commission."

A non-record roll call was requested.

The ayes were 53, nays 30.

Amendment [H-1235](#) was adopted.

Mascher of Johnson offered amendment [H-1259](#), to amendment [H-1223](#), filed by her and Chambers of O'Brien from the floor as follows:

[H-1259](#)

1 Amend the amendment, [H-1223](#), to [House File 816](#) as
2 follows:
3 1. Page 3, by inserting after line 16 the
4 following:
5 "___ Page 27, by inserting after line 20 the
6 following:
7 "Sec. ___. Section 256.9, Code 2005, is amended by
8 adding the following new subsection:
9 NEW SUBSECTION. 53. Develop and make available to
10 school districts, examples of age-appropriate
11 materials and lists of resources which parents may use
12 to teach their children to recognize unwanted physical
13 and verbal sexual advances, to not make unwanted
14 physical and verbal sexual advances, to effectively
15 reject unwanted sexual advances, that it is wrong to
16 take advantage of or exploit another person, and about
17 counseling, medical, and legal resources available to
18 survivors of sexual abuse and sexual assault,
19 including resources for escaping violent
20 relationships. The materials and resources shall
21 cover verbal, physical, and visual sexual harassment,
22 including nonconsensual sexual advances, and
23 nonconsensual physical sexual contact. In developing
24 the materials and resource list, the director shall
25 consult with entities that shall include, but not be
26 limited to, the departments of human services, public

27 health, and public safety, education stakeholders, and
28 parent-teacher organizations. School districts shall
29 provide age-appropriate materials and a list of
30 available community and web-based resources to parents
31 at registration and shall also include the age-
32 appropriate materials and resource list in the student
33 handbook. School districts are encouraged to work
34 with their communities to provide voluntary parent
35 education sessions to provide parents with the skills
36 and appropriate strategies to teach their children as
37 described in this subsection. School districts shall
38 incorporate the age-appropriate materials into
39 relevant curricula and shall reinforce the importance
40 of preventive measures when reasonable with parents
41 and students."
42 2. By renumbering, redesignating, and correcting
43 internal references as necessary.

Amendment [H-1259](#) was adopted.

Alons of Sioux offered the following amendment [H-1238](#), to amendment [H-1223](#), previously deferred, filed by him, Raecker of Polk, Boal of Polk and Roberts of Carroll from the floor and moved its adoption:

[H-1238](#)

1 Amend the amendment, [H-1223](#), to [House File 816](#) as
2 follows:
3 1. By striking page 3, line 44, through page 4,
4 line 15, and inserting the following:
5 "___ Page 28, line 5, by striking the word "[six](#)"
6 and inserting the following: "[two](#)".
7 ___ Page 28, line 6, by striking the word
8 "[forty-six](#)".
9 ___ Page 28, by striking lines 10 through 25 and
10 inserting the following: "fiscal year beginning July
11 1, 2003."
12 2. By renumbering as necessary.

Amendment [H-1238](#) lost.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment [H-1260](#) filed by him from the floor.

On motion by Chambers of O'Brien, amendment [H-1223](#), as amended, was adopted.

Tymeson of Madison asked and received unanimous consent to withdraw amendment [H-1198](#), filed by her on March 29, 2005, placing out of order the following amendments:

Amendment [H-1249](#) filed by Ford of Polk from the floor.

Amendment [H-1251](#) filed by Wendt of Woodbury from the floor.

Amendment [H-1252](#) and amendment [H-1257](#) filed by Hogg of Linn from the floor.

Speaker Rants in the chair at 11:25 p.m.

Chambers of O'Brien 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. 816](#))

The ayes were, 52:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Carroll	Chambers
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Freeman	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Hutter	Jacobs
Jenkins	Jones	Kaufmann	Kurtenbach
Lalk	Lukan	Maddox	May
Olson, S.	Paulsen	Raecker	Rasmussen
Rayhons	Roberts	Sands	Schickel
Soderberg	Struyk	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wildurdyke	Mr. Speaker
			Rants

The nays were, 47:

Berry	Bukta	Cohoon	Dandekar
Davitt	Fallon	Foege	Ford
Frevert	Gaskill	Heddens	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Reasoner	Reichert
Schueller	Shomshor	Shoultz	Smith
Swaim	Taylor, D.	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

Absent or not voting, 1:

Quirk

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

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House File 816](#) be immediately messaged to the Senate.

[SENATE FILE 283](#) REREFERRED

The Speaker announced that [Senate File 283](#), previously referred to committee on **public safety** was **passed on file**.

PRESENTATION OF VISITORS

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

Twenty-two students from Sully Christian School, Sully, Iowa, accompanied by Scott Roose and Enno Haan. By Bell of Jasper.

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\1015 Otto Dannen, Latimer – For celebrating his 90th birthday.
- 2005\1016 Evelyn Rensink, Clear Lake – For celebrating her 90th birthday.
- 2005\1017 Dean Quintus, Hampton – For celebrating his 80th birthday.
- 2005\1018 Floyd Bochmann, Sheffield – For celebrating his 92nd birthday.
- 2005\1019 Doris Barlow, Clear Lake –For celebrating her 90th birthday.
- 2005\1020 Merlyn W. Hansen, Brayton – For celebrating his 80th birthday.
- 2005\1021 Ruby Heath, Exira – For celebrating her 95th birthday.
- 2005\1022 Stephanie Eifler, Carroll – For receiving the University of Iowa Dean's Scholarship.
- 2005\1023 Chad M. Ungerer, Donnellson – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

SUBCOMMITTEE ASSIGNMENT

[House File 486](#)

Government Oversight: Raecker, Chair; Eichhorn and Winckler.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 292](#) Ways and Means

Relating to the county recorders' county land record information system project and providing an effective date.

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 GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 168](#)), relating to bidding requirements for state executive branch purchases.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 30, 2005.

COMMITTEE ON LOCAL GOVERNMENT

[Senate File 57](#), a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 2005.

RESOLUTIONS FILED

[HR 32](#), by Rants, Wendt and Whitead, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Laid over under **Rule 25**.

HR 33, by Alons, Watts, May, Drake, Dix, Roberts, Tjepkes, Lukan, J.K. Van Fossen, Greiner, Struyk, Soderberg, Hoffman, Eichhorn, Granzow, Chambers, Upmeyer, Raecker, Boal, Anderson, Lalk, De Boef, Sands, Rasmussen, S. Olson, Jenkins, Dolecheck, Gipp, Jacobs, Heaton, Rayhons, Baudler, Freeman, Jones, Hutter, Huseman and Wilderdyke, a resolution urging the United States Senators from the State of Iowa to support President Bush's Nominees to the federal courts and to the United States Supreme Court.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1224</u>	<u>H.F. 814</u>	Alons of Sioux
<u>H-1225</u>	<u>H.F. 825</u>	Smith of Marshall
<u>H-1230</u>	<u>S.F. 57</u>	Fallon of Polk
<u>H-1231</u>	<u>H.F. 828</u>	Raecker of Polk
<u>H-1234</u>	<u>H.F. 814</u>	Alons of Sioux
<u>H-1236</u>	<u>H.F. 811</u>	Whitaker of Van Buren
<u>H-1239</u>	<u>H.F. 608</u>	Anderson of Page
<u>H-1240</u>	<u>H.F. 753</u>	Smith of Marshall
<u>H-1241</u>	<u>H.F. 793</u>	Jacobs Polk
<u>H-1243</u>	<u>H.F. 647</u>	Raecker of Polk
<u>H-1246</u>	<u>H.F. 811</u>	Foege of Linn
		Lensing of Johnson
		Wessel-Kroeschell of Story
		J.R. Van Fossen of Scott
		Anderson of Page
		Tomenga of Polk
		Boal of Polk
<u>H-1247</u>	<u>S.F. 246</u>	Boal of Polk
<u>H-1250</u>	<u>H.F. 603</u>	Rayhons of Hancock
<u>H-1255</u>	<u>S.F. 206</u>	Bell of Japer
		Freeman of Buena Vista
		Whitaker of Van Buren
		Mascher of Johnson
<u>H-1256</u>	<u>S.F. 123</u>	R. Olson of Polk
<u>H-1258</u>	<u>H.F. 807</u>	Horbach of Tama
<u>H-1261</u>	<u>H.F. 826</u>	Kurtenbach of Story
<u>H-1262</u>	<u>H.F. 729</u>	Paulsen of Linn
		Dix of Butler

Jenkins of Black Hawk
Anderson of Page
Kaufmann of Cedar
Freeman of Buena Vista
Roberts of Carroll
Rasmussen of Buchanan
Arnold of Lucas
Dolecheck of Ringgold
Horbach of Tama

Baudler of Adair
Hutter of Scott
Chambers of O'Brien
Hoffman of Crawford
Lukan of Dubuque
Van Engelenhoven of Marion
Struyk of Pottawattamie
Eichhorn of Hamilton

On motion by Gipp of Winneshiek the House adjourned at 11:34 p.m., until 8:45 a.m., Thursday, March 31, 2005.