

PROOF

STATE OF IOWA

House Journal

MONDAY, FEBRUARY 14, 2005

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JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day - Twenty-fourth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, February 14, 2005

The House met pursuant to adjournment at 1:11 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Mike Morgan, pastor of the First United Methodist Church, Marion. He was the guest of Representative Swati Dandekar from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by two representatives from the Woodbine High School Show Choir, Woodbine. They were the guests of Representative Paul Wilderdyke from Harrison County.

The Journal of Friday, February 11, 2005 was approved.

INTRODUCTION OF BILL

[House File 296](#), by Mascher, a bill for an act establishing a priority for provision of infrastructure funding for the Iowa juvenile home and the state training school.

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

SENATE MESSAGES CONSIDERED

[Senate File 76](#), by committee on ways and means, a bill for an act relating to income tax deductions for donations made for tsunami relief and including effective and retroactive applicability date provisions.

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

[Senate File 78](#), by committee on local government, a bill for an act relating to the exemption from city taxes of land included in an application for voluntary annexation or in a city's involuntary

annexation petition and including effective and applicability date provisions.

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

[Senate File 114](#), by committee on economic growth, a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date.

Read first time and referred to committee on **economic growth**.

[Senate File 123](#), by committee on state government, a bill for an act allowing an immediate family member to return a voted absentee ballot in person to the office of the county commissioner of elections.

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

On motion by Gipp of Winneshiek, the House was recessed at 1:18 p.m., until 3:30 p.m.

AFTERNOON SESSION

The House reconvened at 3:30 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 297](#), by Jenkins and Jacobs, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture.

Read first time and referred to committee on **economic growth**.

[House File 298](#), by De Boef, a bill for an act changing the distribution of the fine for operating a motor vehicle without proof of financial liability coverage.

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

[House File 299](#), by Ford, a bill for an act creating a junior entrepreneur training assistance program and providing a tax deduction.

Read first time and referred to committee on **economic growth**.

[House File 300](#), by Ford, a bill for an act relating to an unfair or deceptive practice in the insurance trade involving the discharge of individuals from hospitals, and providing penalties.

Read first time and referred to committee on **commerce, regulation and labor**.

[House File 301](#), by Ford, a bill for an act relating to application procedures for a driver's license or nonoperator's identification card prior to an inmate's release from confinement.

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

[House File 302](#), by Ford, a bill for an act prohibiting certain financial incentives for health care providers by group managed care health plans.

Read first time and referred to committee on **commerce, regulation and labor**.

The House stood at ease at 3:31 p.m., until the fall of the gavel.

The House resumed session at 4:32 p.m., Speaker Rants in the chair.

CONSIDERATION OF BILLS Ways and Means Calendar

[House File 186](#), a bill for an act updating the Code references to the Internal Revenue Code and including retroactive applicability and effective date provisions, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 186](#))

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	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, none.

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

Regular Calendar

House File 227, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

Maddox 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. 227](#))

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	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, none.

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

[House File 253](#), a bill for an act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board, was taken up for consideration.

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

On the question "Shall the bill pass?" ([H.F. 253](#))

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	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, none.

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

Ways and Means Calendar

[House File 216](#), a bill for an act relating to motor vehicle regulation by the state department of transportation, including motor vehicle registration and titling, restricted and special driver's licenses for minors, driver licensing, regulation of commercial vehicles, the

use of flashing lights on certain vehicles, citations for child restraint violations, permits for vehicles of excessive height or weight, procedures for motor vehicle dealers, and persons with disabilities parking, and relating to refunds of taxes on motor fuel used in taxicabs and buses that provide certain services, was taken up for consideration.

Ford of Polk offered amendment [H-1022](#) filed by him as follows:

[H-1022](#)

1 Amend [House File 216](#) as follows:

2 1. Page 1, line 8, by striking the word "a" and
3 inserting the following: "a".

4 2. Page 1, line 9, by inserting after the word
5 "operator's" the following: "an intermediate or
6 full".

7 3. By striking page 8, line 20, through page 9,
8 line 15, and inserting the following:

9 "Sec. _____. Section 321.178, subsection 2,
10 paragraph a, Code 2005, is amended to read as follows:

11 a. A person between sixteen and eighteen years of
12 age who has completed an approved driver's education
13 course and is not in attendance at school ~~or who is in~~
14 ~~attendance in a public or private school where an~~
15 ~~approved driver's education course is not offered or~~
16 ~~available~~, may be issued a restricted license only for
17 travel to and from work or to transport dependents to
18 and from temporary care facilities, if necessary for
19 the person to maintain the person's present
20 employment, ~~without having completed an approved~~
21 ~~driver's education course~~. The restricted license
22 shall be issued by the department only upon
23 confirmation of the person's employment and need for a
24 restricted license to travel to and from work or to
25 transport dependents to and from temporary care
26 facilities if necessary to maintain the person's
27 employment ~~and upon receipt of a written statement~~
28 ~~from the public or private school that an approved~~
29 ~~course in driver's education was not offered or~~
30 ~~available to the person, if applicable~~. The employer
31 shall notify the department if the employment of the
32 person is terminated before the person attains the age
33 of eighteen. ~~The person shall not have a restricted~~
34 ~~license revoked or suspended upon reentering school~~
35 ~~prior to age eighteen if the student enrolls in and~~
36 ~~completes the classroom portion of an approved~~
37 ~~driver's education course as soon as a course is~~

38 ~~available."~~

39 4. Page 10, line 7, by striking the words and
40 figure "~~or section 321.178~~" and inserting the
41 following: "or ~~section~~ 321.178".

42 5. Page 15, by striking lines 32 through 34 and
43 inserting the following: "the requirements of section
44 299.1B or issuing the juvenile a ~~temporary~~ restricted
45 license under section ~~321.215 if the juvenile is~~
46 ~~employed at least twenty hours per week~~ 321.178."
47 6. By renumbering as necessary.

Ford of Polk offered the following amendment [H-1023](#), to amendment [H-1022](#), filed by him from the floor and moved its adoption:

[H-1023](#)

1 Amend the amendment, [H-1022](#), to [House File 216](#) as
2 follows:
3 1. Page 1, line 16, by inserting after the word
4 "~~available,~~" the following: "and has not met the
5 requirements described in section 299.2, subsection
6 1.".

Amendment [H-1023](#) was adopted.

On motion by Ford of Polk, amendment [H-1022](#), as amended, was adopted placing out of order amendment [H-1021](#) filed by Huser of Polk on February 11, 2005.

Huser of Polk offered the following amendment [H-1020](#) filed by her and moved its adoption:

[H-1020](#)

1 Amend [House File 216](#) as follows:
2 1. Page 20, by striking lines 17 through 25 and
3 inserting the following:
4 "Sec. ____ Section 452A.17, subsection 1,
5 paragraph a, subparagraph (2), Code 2005, is amended
6 to read as follows:
7 (2) An Iowa urban transit system, or a company
8 operating a taxicab service under contract with an
9 Iowa urban transit system, which is used for a purpose
10 specified in section 452A.57, subsection 6."

Amendment [H-1020](#) was adopted.

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

On the question "Shall the bill pass?" ([H.F. 216](#))

The ayes were, 97:

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

The nays were, 3:

Schueller	Thomas	Zirkelbach
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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.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 186, 216, 227 and 253.**

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\397 Eric Fischer, Dubuque – For winning the Prudential Spirit Award for fundraising for the Make-A-Wish Foundation and the American Cancer Society.
- 2005\398 John and Algene Klotz, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\399 Paul and Phyllis Erschen, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\400 Ken and Colleen Herman, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\401 William and Janet Rang, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\402 Harold and Katie Rockzien, Wyoming – For celebrating their 50th wedding anniversary.
- 2005\403 Robert and Roberta Plattenberger, Martelle – For celebrating their 60th wedding anniversary.
- 2005\404 LeRoy and Lois Sorenson, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\405 Jerry and Betty Conover, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\406 John and Vandalyn Junck, Sioux City – For celebrating their 50th wedding anniversary.
- 2005\407 Ron Anderson, Sioux City – For celebrating his 80th birthday.
- 2005\408 Evelyn Rosenkrans, Sioux City – For celebrating her 89th birthday.
- 2005\409 Walt and Doris Kelley, Woodbine – For celebrating their 50th wedding anniversary.
- 2005\410 Kenneth and Minnie Moores, Woodbine – For celebrating their 60th wedding anniversary.
- 2005\411 Stan Hansen, Moorhead – For celebrating his 80th birthday.

- 2005\412 Joe and Dorella Kleinhesselink, Orange City – For celebrating their 60th wedding anniversary.
- 2005\413 Orville and Marlene Feauto, Akron – For celebrating their 50th wedding anniversary
- 2005\414 Donald and Lois Van Egdom, Hawarden – For celebrating their 50th wedding anniversary.
- 2005\415 Roland and Eleanor Schreiner, Ireton – For celebrating their 50th wedding anniversary.
- 2005\416 Delbert and Nancy Van Skike, Ireton – For celebrating their 50th wedding anniversary.
- 2005\417 Hazel Johnson, Exira – For celebrating her 90th birthday.
- 2005\418 Doris Grabill, Audubon – For celebrating her 90th birthday.
- 2005\419 Earl and Emily Howe, Tipton – For celebrating their 67th wedding anniversary.
- 2005\420 M. Blanche Harris, Grinnell – For celebrating her 90th birthday.
- 2005\421 Velma James, Montezuma – For celebrating her 85th birthday.
- 2005\422 Isabel Septer, Montezuma – For celebrating her 92nd birthday.
- 2005\423 Wayne and Myrtle Rich, Atlantic – For celebrating their 60th wedding anniversary.
- 2005\424 Shannon and Marilyn Davis, La Porte City – For celebrating their 50th wedding anniversary.
- 2005\425 Lloyd and Exie Walton, Jesup – For celebrating their 50th wedding anniversary.
- 2005\426 LaVerne and Phyllis Lentz, Aurora – For celebrating their 50th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 210](#)

Appropriations: Jacobs, Chair; Heaton and Mascher.

[House File 270](#)

Public Safety: Alons, Chair; De Boef and Heddens.

[House File 272](#)

Public Safety: Baudler, Chair; Chambers and Shoultz.

[House File 285](#)

Economic Growth: Hoffman, Chair; Soderberg and Thomas.

[House File 286](#)

Natural Resources: Freeman, Chair; Bell and Upmeyer.

[Senate File 75](#)

Appropriations: Chambers, Chair; Alons and Zirkelbach.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 151](#)

Transportation: Jones, Chair; Lykam and Raecker.

[House Study Bill 152](#)

Transportation: Rayhons, Chair; Arnold, Hunter, Huseman and Lykam.

[House Study Bill 161](#)

Commerce, Regulation and Labor: Sands, Chair; Hoffman and Oldson.

[House Study Bill 162](#)

State Government: Raecker, Chair; Boal and Lensing.

[House Study Bill 163](#)

State Government: Greiner, Chair; Jones and Quirk.

[House Study Bill 164](#)

State Government: Raecker, Chair; Boal and Quirk.

[House Study Bill 165](#)

State Government: Raecker, Chair; Lensing and Paulsen.

[House Study Bill 171](#)

Judiciary: Kaufmann, Chair; Berry and Tymeson.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 172 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the general fund.

H.S.B. 173 Local Government

Relating to the assessment and collection of penalty, fee, and interest charges imposed for the late payment of building code penalties, fines, and inspection and enforcement fees.

H.S.B. 174 Natural Resources

Relating to the establishment of a special late season deer hunt and making a penalty applicable.

AMENDMENTS FILED

<u>H-1024</u>	<u>H.F. 277</u>	Watts of Dallas Soderberg of Plymouth
<u>H-1025</u>	<u>H.F. 277</u>	Watts of Dallas Wise of Lee

On motion by Gipp of Winneshiek the House adjourned at 5:25 p.m., until 8:45 a.m., Tuesday, February 15, 2005.