

**PROOF**

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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, FEBRUARY 23, 2005**

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# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day - Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 23, 2005

The House met pursuant to adjournment at 8:51 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Howland, pastor of the First Presbyterian Church of Winterset. He was the guest of Representative Jodi Tymeson from Madison County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, February 22, 2005 was approved.

## INTRODUCTION OF BILLS

[House File 384](#), by Ford, a bill for an act making an appropriation to the college student aid commission for the registered nurse recruitment program.

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

[House File 385](#), by Hogg, Petersen and Foege, a bill for an act relating to improvement of the early care, child care services, education, health, and human services systems under the oversight of the departments of education and human services, the Iowa empowerment board, and the child development coordinating council; creating a children's cabinet in the executive branch; making appropriations for the fiscal year beginning July 1, 2004, and providing an effective date.

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

[House File 386](#), by Ford, a bill for an act relating to fair market drug pricing including the establishment of a prescription drug card program.

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

[House File 387](#), by committee on agriculture, a bill for an act relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

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

[House File 388](#), by Ford, a bill for an act relating to health care access and providing appropriations.

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

[House File 389](#), by Ford, a bill for an act relating to small employer voluntary health care purchasing pools.

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

[House File 390](#), by Kaufmann, a bill for an act providing for an increase in the amount of supplementary weighting applicable to limited English proficient students, and providing an effective date.

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

[House File 391](#), by T. Taylor, a bill for an act establishing requirements for persons contracting to provide services to the state.

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

[House File 392](#), by Ford, a bill for an act increasing civil and criminal penalties for violations of water quality laws.

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

[House File 393](#), by Murphy, Jochum, Miller, Zirkelbach, Thomas and Schueller, a bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations.

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

[House File 394](#), by Ford, a bill for an act making an appropriation to the department of education for distribution to community colleges for the development of adult English language learner instruction programs to be offered in employee workplaces.

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

[House File 395](#), by Ford, a bill for an act relating to the establishment of a task force to develop a prescription drug purchasing cooperative.

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

[House File 396](#), by Ford, a bill for an act relating to policies establishing an additional classification for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

[House File 397](#), by Ford, a bill for an act requiring participation in mediation in certain proceedings related to child custody.

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

[House File 398](#), by committee on education, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

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

[House File 399](#), by committee on environmental protection, a bill for an act relating to the disposal of solid waste by planning areas and related solid waste management plans and reports.

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

[House File 400](#), by committee on ways and means, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain

educational institutions and including effective and retroactive applicability date provisions.

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

**House File 401**, by Winckler, Mascher, Wendt, Oldson, Lensing, Foege and Wessel-Kroeschell, a bill for an act relating to teacher and administrator quality, including the student achievement and teacher quality program, school social workers' participation in the program, a new teacher development academy and new teacher fellows, and a new administrator quality program, and making appropriations.

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

**House File 402**, by T. Taylor, a bill for an act relating to salaries of certain county deputy officers.

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

**House File 403**, by Jochum, a bill for an act exempting the instructional support property tax levy of a school district from being collected as part of the incremental taxes paid to a municipality for an urban renewal area and providing for the Act's applicability.

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

**House File 404**, by Dandekar, Foege, Heaton, Pettengill, Kressig, Soderberg, Schickel and Reichert, a bill for an act relating to copayments for prescription drugs under the medical assistance program.

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

**House File 405**, by S. Olson, a bill for an act relating to the use of special fire fighter registration plates by a surviving co-owner of a motor vehicle.

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

[House File 406](#), by Chambers, a bill for an act requiring school districts to publicize higher educational opportunities available to students enrolled in the school district.

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

[House File 407](#), by Struyk, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

[House File 408](#), by Kurtenbach and Struyk, a bill for an act relating to property assessment for purposes of property taxation, including property assessment guidelines and creation of a property assessment appeal board to hear appeals of the actions of local boards or review.

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

[House File 409](#), by Boal, a bill for an act relating to education technology, including the creation of an Iowa learning technology commission and pilot program, establishment of a research triangle and clearinghouse, and allowing for the use of physical plant and equipment levy revenues for education technology.

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

[House File 410](#), by Kurtenbach, Huser, Petersen, Tjepkes, S. Olson, Jones, Drake, Schickel, Maddox, Horbach, Jacoby, De Boef, Lukan, Dandekar, Jacobs, Pettengill, Granzow, Struyk, Anderson, Soderberg, Heaton and Berry, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings.

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

On motion by Jacobs of Polk, the House was recessed at 9:00 a.m., until 3:30 p.m.

## AFTERNOON SESSION

The House reconvened at 3:34 p.m., Roberts of Carroll in the chair.

## INTRODUCTION OF BILLS

[House File 411](#), by Kurtenbach, Roberts, Lykam, Shomshor, Davitt, Wilderdyke, Kaufmann, Rasmussen, Baudler, Watts, Quirk, Reasoner, Bell and R. Olson, a bill for an act relating to horse racing by providing minimum racing days and supplemental purses for registered Iowa-bred horses.

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

[House File 412](#), by Mertz and Chambers, a bill for an act relating to the operation of all-terrain vehicles in cities of a certain size, providing a fee, and making penalties applicable.

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

[House File 413](#), by Dix, 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.

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

[House File 414](#), by Huser, Struyk and Baudler, a bill for an act relating to persons commercially cleaning private sewage disposal facilities by providing regulations, fees, and civil penalties, requiring cities to regulate the division of certain land outside city boundaries and accept certain septage from subdivisions approved by cities outside city boundaries, and making appropriations.

Read first time and referred to committee on **environmental protection**.

[House File 415](#), by Raecker, a bill for an act creating a department of tourism.

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

[House File 416](#), by Lukan, a bill for an act providing for special senior crossbow deer hunting licenses.

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

[House File 417](#), by T. Taylor, a bill for an act prohibiting a state agency from awarding state contracts or assistance to persons performing work outside the United States and providing for related matters.

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

[House File 418](#), by committee on human resources, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable.

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

[House File 419](#), by committee on natural resources, a bill for an act relating to free resident landowner deer and turkey hunting licenses.

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

[House File 420](#), by committee on human resources, a bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

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

[House File 421](#), by Heddens and Wessel-Kroeschell, a bill for an act relating to the purposes for which physical plant and equipment levy revenue may be utilized, and including an applicability provision.

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

[House File 422](#), by Van Engelenhoven, a bill for an act creating the Iowa high-cost mortgage Act.



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

[House File 423](#), by committee on education, a bill for an act relating to participation in secondary school interscholastic sports at the varsity and inferior levels.

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

[House File 424](#), by Alons, Chambers, Tymeson, Zirkelbach, Jacobs, Wilderdyke, Baudler and Tjepkes, a bill for an act extending the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date.

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

[House File 425](#), by Wise, Bukta, Cohoon, Greiner, Miller, Reichert, Shomshor and Struyk, a bill for an act relating to the port authorities including providing for the establishment, control, and dissolution of port authorities and providing for certain powers, limitations, and requirements including issuing revenue bonds and pledge orders, charging fees, entering into contracts and agreements, employing persons and peace officers, and providing for the use of revenues and exemption from property taxes.

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

[House File 426](#), by T. Taylor, Berry, Cohoon, Pettengill, Whitead, Lykam, Mertz, Hunter, Wessel-Kroeschell, D. Taylor, Murphy, Bukta, Whitaker, Heddens, Winckler, Zirkelbach, Schueller, Smith, Shoultz, Mascher, Foege, Davitt and Jochum, a bill for an act relating to information required to be provided and published relative to health care benefits provided through public funds or which are uncompensated and providing an effective date.

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

[House File 427](#), by Swaim, a bill for an act providing for the establishment of certain fees relating to nonprofit corporations.

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

**House File 428**, by Alons, Kaufmann, Watts, Lukan, Kurtenbach, Tomenga, Lalk, Soderberg, Eichhorn, Jacobs, Upmeyer, Struyk and Huseman, a bill for an act relating to the deduction of the capital gain from the sale of capital investments made in or by certain businesses and including an applicability date provision.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque on request of Whitaker of Van Buren.

#### CONSIDERATION OF BILLS Regular Calendar

**House File 141**, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit, with report of committee recommending passage, was taken up for consideration.

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. 141**)

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

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	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	Roberts, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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

Speaker pro tempore Carroll in the chair at 3:46 p.m.

**House File 173**, a bill for an act prohibiting false compartments in vehicles for the purpose of intentionally concealing or transporting contraband and providing penalties, was taken up for consideration.

Tjepkes of Webster offered the following amendment **H-1027** filed by him and moved its adoption:

**H-1027**

- 1 Amend **House File 173** as follows:
- 2 1. Page 1, line 21, by striking the words
- 3 "illegally procured" and inserting the following:
- 4 "procured during the commission of an act which is
- 5 punishable as a felony,".
- 6 2. Page 1, line 22, by striking the word
- 7 "unlawful" and inserting the following: "punishable
- 8 as a felony".
- 9 3. Page 1, line 23, by striking the word
- 10 "includes" and inserting the following: "may
- 11 include".

Amendment [H-1027](#) was adopted.

Tjepkes of Webster 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. 173](#))

The ayes were, 92:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Foege	Ford
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Huseman
Huser	Hutter	Jacobs	Jacoby
Jenkins	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lukan
Lykam	Maddox	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.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Zirkelbach	Carroll, Presiding

The nays were, 7:

Fallon	Hunter	Lensing	Mascher
Shoultz	Taylor, T.	Wessel-Kroeschell	

Absent or not voting, 1:

Jochum

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 187**, a bill for an act relating to the utility replacement tax task force, was taken up for consideration.

Paulsen of Linn offered the following amendment **H-1026** filed by him and moved its adoption:

**H-1026**

- 1 Amend **House File 187** as follows:
- 2 1. Page 1, line 26, by striking the figure "2008"
- 3 and inserting the following: "2007".

Amendment **H-1026** was adopted.

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

On the question "Shall the bill pass?" (**H.F. 187**)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	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	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 Wise	Whitead Zirkelbach	Wilderdyke Carroll, Presiding	Winckler
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The nays were, none.

Absent or not voting, 1:

Jochum

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

### Regular Calendar

**House File 228**, a bill for an act relating to the payment of restitution by a person convicted of a criminal offense, was taken up for consideration.

J.R. Van Fossen 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. 228**)

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	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	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 141, 173, 187 and 228.**

[House File 247](#), a bill for an act providing for negotiated rulemaking, was taken up for consideration.

Roberts of Carroll 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. 247](#))

The ayes were, 72:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Cohoon
Dandekar	Davitt	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, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor

Soderberg	Struyk	Swaim	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wildurdyke	Wise	Zirkelbach	Carroll, Presiding

The nays were, 27:

Berry	Bukta	Fallon	Foege
Ford	Frevert	Gaskill	Heddens
Hunter	Jacoby	Kressig	Kuhn
Lensing	Mascher	Miller	Murphy
Oldson	Olson, D.	Shoultz	Smith
Taylor, D.	Taylor, T.	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Winckler	

Absent or not voting, 1:

Jochum

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

#### IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 247](#) be immediately messaged to the Senate.

[House File 275](#), a bill for an act relating to the purchase, possession, or consumption of alcohol by a person under legal age, and providing a penalty, was taken up for consideration.

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. 275](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill



Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	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	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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 310](#), a bill for an act exempting the sale of toys to certain nonprofit organizations from state sales and use taxes, was taken up for consideration.

Kaufmann of Cedar 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. 310](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake

Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	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	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Carroll, Presiding	

The nays were, none.

Absent or not voting, 1:

Jochum

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 275 and 310.**

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Gaskill of Wapello on request of Murphy of Dubuque.

**House File 313**, a bill for an act relating to the establishment of an industrial processing exemption study committee and including an effective date, was taken up for consideration.

Soderberg of Plymouth 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. 313](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	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	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

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

### Regular Calendar

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

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jones	Kaufmann
Kressig	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	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
Shoultz	Smith	Soderberg	Struyk
Swaim	Taylor, D.	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were and none.

Absent or not voting and 3:

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

[HOUSE FILE 101](#) WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 101](#) from further consideration by the House.

**House File 338**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

**SENATE FILE 113** SUBSTITUTED FOR **HOUSE FILE 338**

Kaufmann of Cedar asked and received unanimous consent to substitute **Senate File 113** for **House File 338**.

**Senate File 113**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, was taken up for consideration.

Kaufmann of Cedar 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. 113**)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	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	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Gaskill                      Jochum

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 313, 332** and **Senate File 113**.

**House File 339**, a bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable, was taken up for consideration.

McCarthy 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. 339](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	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	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, D.	Taylor, T.

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

The nays were, none.

Absent or not voting, 2:

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

### HOUSE FILE 338 WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 338](#) from further consideration by the House.

[House File 248](#), a bill for an act relating to the request for a regulatory analysis, was taken up for consideration.

Roberts of Carroll 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. 248](#))

The ayes were, 70:

Alons	Anderson	Arnold	Baudler
Bell	Boal	Chambers	Cohoon
Dandekar	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Gipp	Granzow	Greiner	Heaton
Hoffman	Horbach	Huseman	Hutter
Jacobs	Jenkins	Jones	Kaufmann
Kurtenbach	Lalk	Lukan	Lykam
Maddox	May	McCarthy	Mertz
Miller	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Soderberg	Struyk
Swaim	Thomas	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.

Van Fossen, J.R. Zirkelbach	Watts Carroll, Presiding	Wilderdyke	Wise
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The nays were, 28:

Berry	Bukta	Davitt	Fallon
Foege	Ford	Frevert	Heddens
Hogg	Hunter	Huser	Jacoby
Kressig	Kuhn	Lensing	Mascher
Murphy	Oldson	Olson, D.	Shoultz
Smith	Taylor, D.	Taylor, T.	Wendt
Wessel-Kroeschell	Whitaker	Whitead	Winckler

Absent or not voting, 2:

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

#### IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 248** and **339**.

#### SENATE MESSAGE CONSIDERED

[Senate File 169](#), by committee on judiciary, a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Read first time and referred to committee on **public safety**.

#### 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\500 Francis and Donna DeShaw, Elkader – For celebrating their 50<sup>th</sup> wedding anniversary.



- 2005\501 Stany Piorkowski, Elkader – For celebrating his 94<sup>th</sup> birthday.
- 2005\502 Paula Mangels, Monona – For celebrating her 101<sup>st</sup> birthday.
- 2005\503 Grace Kuehl, Elkport – For celebrating her 96<sup>th</sup> birthday.
- 2005\504 Harry and Nancy Foley, Clinton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\505 Blanche Lee, Clinton – For celebrating her 95<sup>th</sup> birthday.
- 2005\506 Edna Dodge, Brandon – For celebrating her 90<sup>th</sup> birthday.
- 2005\507 Ellen Kremer, Jesup – For celebrating her 80<sup>th</sup> birthday.
- 2005\508 Andrew Kral, Gilbertville – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\509 Patrick Schuster, Humboldt – For celebrating his 90<sup>th</sup> birthday.
- 2005\510 Ruth Dexter, Jesup – For celebrating her 90<sup>th</sup> birthday.
- 2005\511 Sally Hubbard, Casey – For celebrating her 80<sup>th</sup> birthday.
- 2005\512 Giff Covault, Guthrie Center – For celebrating his 85<sup>th</sup> birthday.
- 2005\513 Wilson Mikkelsen, Guthrie Center – For celebrating his 80<sup>th</sup> birthday.
- 2005\514 Fred Scarlett, Adair – For celebrating his 90<sup>th</sup> birthday.
- 2005\515 Harold and Jeanne Mobley, Panora – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2005\516 Norma Merry, Primghar – For celebrating her 95<sup>th</sup> birthday.
- 2005\517 Arthur and Dorothy Petersen, Sheldon – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\518 Erma Johnston, Libertyville – For celebrating her 89<sup>th</sup> birthday.
- 2005\519 Dale Lippincott, Brooklyn – For celebrating his 80<sup>th</sup> birthday.
- 2005\520 George and Kathleen McCallister, Williamsburg – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2005\521 Mary Lee Runde, Keota – For celebrating her 80<sup>th</sup> birthday.
- 2005\522 Clarence and Ruby Mollenhauer, Amana – For celebrating their 50<sup>th</sup> wedding anniversary.

- 2005\523 Dean and Evelyn Van Tomme, Brooklyn – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\524 Dorothy Lown, Sigourney – For celebrating her 80<sup>th</sup> birthday.
- 2005\525 Robert Slinker, Conrad – For celebrating his 80<sup>th</sup> birthday.
- 2005\526 Leonard and Dorothy Behounek, Chelsea – For celebrating their 70<sup>th</sup> wedding anniversary.
- 2005\527 Dick and Arlene Kern, Reinbeck – For celebrating their 50<sup>th</sup> wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

**[House File 198](#)**

Ways and Means: Boal, Chair; Huser and Tomenga.

**[House File 320](#)**

Ways and Means: Boal, Chair; Carroll and McCarthy.

**[House File 336](#)**

Ways and Means: Eichhorn, Chair; Huser and Kurtenbach.

**[House File 337](#)**

State Government: Drake, Chair; Ford, Hutter, Quirk and Tomenga.

**[House File 349](#)**

Education: Granzow, Chair; Bukta and Roberts.

**[House File 350](#)**

Judiciary: Boal, Chair; Kaufmann and R. Olson.

**[House File 356](#)**

Education: Paulsen, Chair; Cohoon and Tomenga.

**House File 360**

Education: Chambers, Chair; Kaufmann and Wendt.

**House File 365**

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

**House File 367**

Education: Tymeson, Chair; Oldson and Raecker.

**House File 377**

Judiciary: Tymeson, Chair; Smith and J. R. Van Fossen.

**House File 379**

Judiciary: Heaton, Chair; Alons and Foege.

**House File 381**

Education: Soderberg, Chair; Ford and Roberts.

**House File 382**

Education: Tymeson, Chair; Foege and Raecker.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 170**

Commerce, Regulation and Labor: Wilderdyke, Chair; Jenkins and D. Taylor.

**House Study Bill 190**

Agriculture: Rayhons, Chair; Davitt and Lalk.

**House Study Bill 191**

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

**House Study Bill 192**

State Government: Roberts, Chair; Bukta, Lensing, Paulsen, Raecker, T. Taylor and Tomenga.

**House Study Bill 193**

Human Resources: Carroll, Chair; Berry and Heaton.

**House Study Bill 194**

Human Resources: Carroll, Chair; Berry and Granzow.

**House Study Bill 195**

Judiciary: Eichhorn, Chair; Jochum and Kaufmann.

**House Study Bill 196**

Judiciary: Maddox, Chair; R. Olson and J.R. Van Fossen.

**House Study Bill 197**

Judiciary: Heaton, Chair; Boal and R. Olson.

**House Study Bill 198**

Judiciary: Maddox, Chair; Swaim and Tymeson.

**House Study Bill 199**

Judiciary: Eichhorn, Chair; Smith and Tymeson.

**House Study Bill 200**

Judiciary: Boal, Chair; Paulsen and Swaim.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 201 Education**

Relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

**H.S.B. 202 Judiciary**

Limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

**H.S.B. 203 Education**

Relating to early education program requirements and voluntary standards.

**H.S.B. 204 Ways and Means**

Creating a credit from withholding for certain businesses moving operations to Iowa and providing effective and retroactive applicability dates.

**H.S.B. 205 Ways and Means**

Providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

**H.S.B. 206 Ways and Means**

Relating to horse racing, including fees for breeders of certain native horses and minimum racing days and supplemental purses for registered Iowa-bred horses.

**H.S.B. 207 Ways and Means**

Providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

**H.S.B. 208 Judiciary**

Relating to an action to quiet title of real property and the doctrine of adverse possession.

**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 ADMINISTRATION AND RULES

**Senate Concurrent Resolution 3**, a concurrent resolution relating to the compensation of chaplains, officers, and employees of the eighty-first general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 2005.

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly **House File 92**), relating to assessments associated with soil and water conservation districts, by providing for the deposit of moneys in a fund established by a district's commissioners.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

**Committee Bill** (Formerly **House File 137**), relating to tax credits provided for purposes of acquiring agricultural assets by beginning farmers, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

**Pursuant to Rule 31.7, House File 387 was referred to the committee on ways and means.**

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly **House Study Bill 99**), concerning billing for anatomic pathology services and making licensing sanctions applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

**Committee Bill** (Formerly **House Study Bill 117**), relating to third-party payment of health care coverage costs for biologically based mental illness treatment services.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 2005.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly **House File 180**), relating to free resident landowner deer and turkey hunting licenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 2005.

**Committee Bill** (Formerly [House Study Bill 174](#)), relating to the establishment of a special late season deer hunt and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 2005.

#### COMMITTEE ON PUBLIC SAFETY

**Committee Bill** (Formerly [House Study Bill 179](#)), relating to sanctioning the motor vehicle operating privileges of a person upon a second or subsequent conviction for motor fuel theft from a retail dealer.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

#### COMMITTEE ON STATE GOVERNMENT

**House File 85**, a bill for an act eliminating the certified mail requirements concerning the service and delivery of certain civil rights complaints and orders.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

**Committee Bill** (Formerly [House Study Bill 135](#)), increasing the membership of the real estate commission.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 2005.

#### AMENDMENTS FILED

<a href="#">H-1032</a>	<a href="#">S.C.R. 3</a>	Committee on Administration and Rules
<a href="#">H-1033</a>	<a href="#">H.F. 374</a>	Greiner of Washington

On motion by Jacobs of Polk the House adjourned at 5:42 p.m., until 8:45 a.m., Thursday, February 24, 2005.