

**PROOF**

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**STATE OF IOWA**

**House Journal**

**MONDAY, APRIL 4, 2005**

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An official corrected copy is available for reference in the office of the Chief Clerk.  
(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day - Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 4, 2005

The House met pursuant to adjournment at 1:18 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Bruce Kittle, Chaplin of the 6<sup>th</sup> Judicial District Department of Correctional Services, Cedar Rapids. He was the guest of Representative Vicki Lensing from Johnson County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Thursday, March 31, 2005 was approved.

### SPECIAL PRESENTATION

Foege of Linn introduced to the House, Iowans' who participated in the World Winter Special Olympics in Nagano, Japan.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:35 p.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened at 3:15 p.m., Speaker Rants in the chair.

### CONSIDERATION OF BILLS Regular Calendar

**House File 85**, a bill for an act eliminating the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders, with report of committee recommending passage, was taken up for consideration.

Tomenga of Polk offered the following amendment [H-1079](#) filed by him and moved its adoption:

[H-1079](#)

- 1 Amend [House File 85](#) as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "filed." the following: "If the first named
- 4 respondent on a complaint is not a governmental
- 5 entity, service of a true copy on the respondent shall
- 6 be by certified mail."
- 7 2. Title page, line 1, by striking the word
- 8 "eliminating", and inserting the following:
- 9 "modifying".

Amendment [H-1079](#) was adopted.

[SENATE FILE 215](#) SUBSTITUTED FOR [HOUSE FILE 85](#)

Tomenga of Polk asked and received unanimous consent to substitute [Senate File 215](#) for [House File 85](#).

[Senate File 215](#), a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders, 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?" ([S.F. 215](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	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, 2:

Ford                      Taylor, T.

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

Struyk of Pottawattamie in the chair at 3:21 p.m.

#### [HOUSE FILE 85](#) WITHDRAWN

Tomenga of Polk asked and received unanimous consent to withdraw [House File 85](#) from further consideration by the House.

[House File 538](#), a bill for an act revising child welfare requirements involving children with mental health, behavioral, or emotional disorders and providing a contingent effective date, was taken up for consideration.

Heddens of Story offered the following amendment [H-1051](#) filed by her and moved its adoption:

#### [H-1051](#)

- 1 Amend [House File 538](#) as follows:
- 2     1. Page 2, by inserting after line 33 the
- 3 following:
- 4     "3. If federal approval is received for the waiver
- 5 request described in subsection 1, paragraph "a", the
- 6 department of human services shall convene a review
- 7 committee to advise the department regarding the

8 waiver's implementation. The committee membership may  
 9 include but is not limited to juvenile judges, parents  
 10 of children participating in the waiver, service  
 11 providers, departmental staff, at least two members of  
 12 the general assembly, and others with knowledge  
 13 concerning the waiver. The committee shall be  
 14 convened when there are a sufficient number of  
 15 children participating in the waiver for there to be  
 16 implementation issues to consider or six months  
 17 following the commencement date of the waiver,  
 18 whichever is sooner.  
 19 4. If federal approval is received for the waiver  
 20 request described in subsection 1, paragraph "a", the  
 21 child or family receiving services under the waiver  
 22 shall have access to case management or another form  
 23 of service coordination function."

Amendment [H-1051](#) was adopted.

Heddens of Story 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. 538](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	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	Shoultz
Smith	Soderberg	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 Struyk, Presiding	Winckler
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The nays were, none.

Absent or not voting, 1:

Ford

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

#### HOUSE FILE 184 WITHDRAWN

Heddens of Story asked and received unanimous consent to withdraw House File 184 from further consideration by the House.

#### INTRODUCTION OF BILLS

House File 831, by committee on ways and means, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

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

House File 832, by committee on ways and means, a bill for an act relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

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

House File 833, by committee on ways and means, a bill for an act making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

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

House File 834, by committee on ways and means, a bill for an act relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

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

[House File 835](#), by committee on ways and means, 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 placed on the **ways and means calendar**.

[House File 836](#), by committee on ways and means, a bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

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

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: [House File 538](#) and [Senate File 215](#).

The House stood at ease at 3:39 p.m., until the fall of the gavel.

The House resumed session at 5:26 p.m., Dolecheck of Ringgold in the chair.

#### REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing a House File the following correction was made:

[House File 227](#)

1. Page 38, line 10 – After “2005,” it should say “are” rather than “is”.

MARGARET A. THOMSON  
Chief Clerk of the House

**BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 4<sup>th</sup> day of April, 2005: [House File 227](#), 591 and 642.

MARGARET A. THOMSON  
Chief Clerk of the House

Report adopted.

**COMMUNICATIONS RECEIVED**

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

**IOWA WORKFORCE DEVELOPMENT**

Annual status report on the unemployment compensation trust fund, pursuant to Chapter 96.35, Code of Iowa.

**DEPARTMENT OF REVENUE  
Iowa Streamlined Sales Tax Advisory**

Annual report on the progress of streamlined sales tax work in Iowa, pursuant to Chapter 204, Code of Iowa.

**CERTIFICATES OF RECOGNITION**

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

MARGARET A. THOMSON  
Chief Clerk of the House

2005\1030	Colleen Higgins, Sioux City – For celebrating her 80 <sup>th</sup> birthday
2005\1031	Emma Haring, Sioux City – For celebrating her 95 <sup>th</sup> birthday.
2005\1032	Leone Parson, Sioux City – For celebrating her 94 <sup>th</sup> birthday.
2005\1033	Helen Davis, Sioux City – For celebrating her 94 <sup>th</sup> birthday.
2005\1034	Charles and Dell Windles, Sioux City – For celebrating their 60 <sup>th</sup> wedding anniversary.



- 2005\1035 Dale Collins, Sioux City – For celebrating his 90<sup>th</sup> birthday.
- 2005\1036 Merlyn Blumer, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2005\1037 William Briggs, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2005\1038 Ruth Foy, Ottumwa – For celebrating her 90<sup>th</sup> birthday.
- 2005\1039 Darrell Smith, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2005\1040 Mabel Cundiff, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2005\1041 Norman Melrose, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2005\1042 Annabelle Beghtol, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2005\1043 Louella Luckiesh, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2005\1044 Edna Frost, Ottumwa – For celebrating her 80<sup>th</sup> birthday.
- 2005\1045 Edward Cullinan, Ottumwa – For celebrating his 80<sup>th</sup> birthday.
- 2005\1046 Wilma Rosenberger, Nevada – For celebrating her 80<sup>th</sup> birthday.
- 2005\1047 James and Margaret Elliott, Ames – For celebrating their 75<sup>th</sup> wedding anniversary.
- 2005\1048 Arlene Johnson, Sioux City – For celebrating her 80<sup>th</sup> birthday.
- 2005\1049 August Nitzschke, Remsen – For celebrating his 90<sup>th</sup> birthday.
- 2005\1050 Paul and Carol Clarey, Le Mars – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\1051 Mildred Moffitt, Greenfield – For celebrating her 80<sup>th</sup> birthday.
- 2005\1052 Caroline Christensen, Audubon – For celebrating her 90<sup>th</sup> birthday.
- 2005\1053 Viola Ostebee, Audubon – For celebrating her 80<sup>th</sup> birthday.
- 2005\1054 Merlyn W. Hansen, Brayton – For celebrating his 80<sup>th</sup> birthday.
- 2005\1055 Nyal Pierce, Guthrie Center – For celebrating his 85<sup>th</sup> birthday.
- 2005\1056 Dale and Doris Barnes, Greenfield – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2005\1057 Mattie Dieken, Little Rock – For celebrating her 91<sup>st</sup> birthday.
- 2005\1058 Fern Fischer, Little Rock – For celebrating her 90<sup>th</sup> birthday.

- 2005\1059 Maynard and Gertrude Hofman, Sanborn – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2005\1060 Ruth Sheehan, Clarion – For celebrating her 90<sup>th</sup> birthday.
- 2005\1061 Elsie Rockow-Shroeder, Dows – For celebrating her 80<sup>th</sup> birthday.
- 2005\1062 Peter J. Seitz, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\1063 Matthew J. Kemp, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENT

#### [Senate File 245](#)

Education: Boal, Chair; Roberts and Wendt.

#### 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 WAYS AND MEANS

**Committee Bill** (Formerly [House File 692](#)), relating to coupling Iowa's tax laws with the federal Internal Revenue Code and including an applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

**Committee Bill** (Formerly [House File 733](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

**Committee Bill** (Formerly [House File 763](#)), relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

**Committee Bill** (Formerly [House File 783](#)), relating to persons commercially cleaning toilet units and private sewage disposal facilities by providing regulations, fees, and civil penalties, and making appropriations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 31, 2005.

**Committee Bill** (Formerly [House File 790](#)), making changes relating to the practice of pharmacy, establishing and appropriating fees, and providing penalties.

Fiscal Note is not required.

Recommended **Without Recommendation** March 31, 2005.

**Committee Bill** (Formerly [House File 796](#)), relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Fiscal Note is not required.

Recommended **Do Pass** March 31, 2005.

#### RESOLUTION FILED

**HR 34**, by Alons, Baudler, De Boef and Chambers, a resolution supporting the passage of the federal Citizens' Self-Defense Act of 2005.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

<a href="#">H-1289</a>	<a href="#">H.F. 829</a>	Lensing of Johnson
<a href="#">H-1290</a>	<a href="#">H.F. 825</a>	Mascher of Johnson
		Foege of Linn
<a href="#">H-1291</a>	<a href="#">H.F. 829</a>	Alons of Sioux
<a href="#">H-1292</a>	<a href="#">H.F. 825</a>	Heaton of Henry
<a href="#">H-1293</a>	<a href="#">H.F. 827</a>	Greiner of Washington

<u>H-1294</u>	<u>H.F.</u>	<u>827</u>	Lensing of Johnson
			Jochum of Dubuque
			Boal of Polk
<u>H-1295</u>	<u>H.F.</u>	<u>825</u>	Petersen of Polk
<u>H-1296</u>	<u>H.F.</u>	<u>825</u>	Thomas of Clayton
<u>H-1297</u>	<u>H.F.</u>	<u>825</u>	Foege of Linn
			Heaton of Henry
<u>H-1298</u>	<u>H.F.</u>	<u>825</u>	Smith of Marshall
<u>H-1299</u>	<u>H.F.</u>	<u>825</u>	Foege of Linn
<u>H-1300</u>	<u>H.F.</u>	<u>825</u>	Foege of Linn
<u>H-1301</u>	<u>H.F.</u>	<u>825</u>	Heaton of Henry
			Foege of Linn
<u>H-1302</u>	<u>H.F.</u>	<u>825</u>	Foege of Linn
<u>H-1303</u>	<u>H.F.</u>	<u>825</u>	Zirkelbach of Jones
			Kressig of Black Hawk
<u>H-1304</u>	<u>H.F.</u>	<u>811</u>	Murphy of Dubuque
			Berry of Black Hawk
			Cohoon of Des Moines
			Davitt of Warren
			Frevert of Palo Alto
			Heddens of Story
			Hunter of Polk
			Jochum of Dubuque
			Kuhn of Floyd
			Lykam of Scott
			McCarthy of Polk
			Miller of Webster
			D. Olson of Boone
			Petersen of Polk
			Quirk of Chickasaw
			Reichert of Muscatine
			Shomshor of Pottawattamie
			Swaim of Davis
			T. Taylor of Linn
			Wendt of Woodbury
			Whitaker of Van Buren
			Winckler of Scott
			Zirkelbach of Jones
			Murphy of Dubuque
			Berry of Black Hawk
			Cohoon of Des Moines
<u>H-1305</u>	<u>H.F.</u>	<u>811</u>	
			Bell of Jasper
			Bukta of Clinton

Dandekar of Linn  
 Foege of Linn  
 Gaskill of Wapello  
 Hogg of Linn  
 Jacoby of Johnson  
 Kressig of Black Hawk  
 Lensing of Johnson  
 Mascher of Johnson  
 Mertz of Kossuth  
 Oldson of Polk  
 R. Olson of Polk  
 Pettengill of Benton  
 Reasoner of Union  
 Schueller of Jackson  
 Smith of Marshall  
 D. Taylor of Linn  
 Thomas of Clayton  
 Wessel-Kroeschell of Story  
 Whitead of Woodbury  
 Wise of Lee

[H-1306](#)      [H.F.](#)      [811](#)

Bell of Jasper  
 Bukta of Clinton  
 Dandekar of Linn  
 Foege of Linn  
 Gaskill of Wapello  
 Hogg of Linn  
 Jacoby of Johnson  
 Kressig of Black Hawk  
 Lensing of Johnson  
 Mascher of Johnson  
 Mertz of Kossuth  
 Oldson of Polk  
 R. Olson of Polk  
 Pettengill of Benton  
 Reasoner of Union  
 Schueller of Jackson  
 Smith of Marshall  
 D. Taylor of Linn  
 Thomas of Clayton  
 Wessel-Kroeschell of Story

Davitt of Warren  
 Frevert of Palo Alto  
 Heddens of Story  
 Hunter of Polk  
 Jochum of Dubuque  
 Kuhn of Floyd  
 Lykam of Scott  
 McCarthy of Polk  
 Miller of Webster  
 D. Olson of Boone  
 Petersen of Polk  
 Quirk of Chickasaw  
 Reichert of Muscatine  
 Shomshor of Pottawattamie  
 Swaim of Davis  
 T. Taylor of Linn  
 Wendt of Woodbury  
 Whitaker of Van Buren  
 Winckler of Scott  
 Zirkelbach of Jones  
 Murphy of Dubuque  
 Berry of Black Hawk  
 Cohoon of Des Moines  
 Davitt of Warren  
 Frevert of Palo Alto  
 Heddens of Story  
 Hunter of Polk  
 Jochum of Dubuque  
 Kuhn of Floyd  
 Lykam of Scott  
 McCarthy of Polk  
 Miller of Webster  
 D. Olson of Boone  
 Petersen of Polk  
 Quirk of Chickasaw  
 Reichert of Muscatine  
 Shomshor of Pottawattamie  
 Swaim of Davis  
 T. Taylor of Linn  
 Wendt of Woodbury  
 Whitaker of Van Buren

Whitead of Woodbury  
Wise of Lee  
[H-1307](#) H.F. 825  
[H-1308](#) [H.F. 825](#)

Winckler of Scott  
Zirkelbach of Jones  
Heddens of Story  
Heaton of Henry

On motion by Gipp of Winneshiek the House adjourned at 5:27 p.m., until 8:45 a.m., Tuesday, April 5, 2005.