

PROOF

STATE OF IOWA

House Journal

MONDAY, APRIL 25, 2005

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JOURNAL OF THE HOUSE

One Hundred Sixth Calendar Day - Seventy-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, April 25, 2005

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

Prayer was offered by Reverend Bob Kunz, pastor of Marion Christian Church, Marion. He was the guest of Representative Swati Dandekar and Representative Ro Foege from Linn County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the 4th grade class from St. Augustin's Catholic School, Des Moines. They were accompanied by Janie Peters, including the daughter of Representative Rick Olson from Polk County. They were the guests of Representative Rick Olson.

The Journal of Friday, April 22, 2005 was approved.

On motion by Gipp of Winneshiek, the House was recessed at 1:15 p.m., until completion of the caucus preceding the meeting of the committee on ways and means.

AFTERNOON SESSION

The House reconvened at 4:16 p.m., Speaker pro tempore Carroll in the chair.

QUORUM CALL

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

MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 13, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 614](#), a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means and providing for penalties.

MICHAEL E. MARSHALL, Secretary

CONSIDERATION OF BILLS Unfinished Business Calendar

[House File 819](#), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation, was taken up for consideration.

Sands of Louisa offered the following amendment [H-1479](#) filed by him from the floor and moved its adoption:

[H-1479](#)

- 1 Amend [House File 819](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 249A.35 PURCHASE OF
- 5 CERTIFIED LONG-TERM CARE INSURANCE POLICY –
- 6 COMPUTATION UNDER MEDICAL ASSISTANCE PROGRAM.
- 7 A computation for the purposes of determining
- 8 eligibility under this chapter concerning an
- 9 individual who is the beneficiary of a certified long-
- 10 term care insurance policy under chapter 514H shall
- 11 include consideration of the asset disregard provided
- 12 in section 514H.5.
- 13 Sec. 2. NEW SECTION. 514H.1 DEFINITIONS.
- 14 As used in this chapter, unless the context
- 15 otherwise requires:
- 16 1. "Certified long-term care insurance policy"
- 17 means a long-term care insurance contract that is
- 18 issued by an insurer or other person who complies with
- 19 section 514H.4.
- 20 2. "Long-term care facility" means a facility
- 21 licensed under chapter 135C or an assisted living
- 22 program certified under chapter 231C.
- 23 3. "Long-term care insurance" means long-term care
- 24 insurance as defined in section 514G.4 and regulated
- 25 in section 514G.7.

26 4. "Qualified long-term care services" means
27 qualified long-term care services as defined in
28 section 7702B(c) of the Internal Revenue Code.
29 Sec. 3. NEW SECTION. 514H.2 IOWA LONG-TERM CARE
30 ASSET DISREGARD INCENTIVE PROGRAM – ESTABLISHMENT AND
31 ADMINISTRATION.
32 1. The Iowa long-term care asset disregard
33 incentive program is established to do all of the
34 following:
35 a. Provide incentives for individuals to insure
36 against the costs of providing for their long-term
37 care needs.
38 b. Provide a mechanism for individuals to qualify
39 for coverage of the costs of their long-term care
40 needs under the medical assistance program without
41 first being required to substantially exhaust all
42 their resources.
43 c. Assist in developing methods for increasing
44 access to and the affordability of long-term care
45 insurance.
46 d. Alleviate the financial burden on the state's
47 medical assistance program by encouraging the pursuit
48 of private initiatives.
49 2. The insurance division of the department of
50 commerce shall administer the program in cooperation

Page 2

1 with the division responsible for medical services
2 within the department of human services. Each agency
3 shall take appropriate action to maintain the waiver
4 granted by the centers for Medicare and Medicaid
5 services of the United States department of health and
6 human services under 42 U.S.C. § 1396 relating to
7 providing medical assistance under chapter 249A, in
8 effect prior to the effective date of this Act.
9 Sec. 4. NEW SECTION. 514H.3 ELIGIBILITY.
10 An individual who is the beneficiary of a certified
11 long-term care insurance policy approved by the
12 insurance division may be eligible for assistance
13 under the medical assistance program using the asset
14 disregard provisions pursuant to section 514H.5.
15 Sec. 5. NEW SECTION. 514H.4 INSURER
16 REQUIREMENTS.
17 1. An insurer or other person who wishes to issue
18 a certified long-term care insurance policy meeting
19 the requirements of this chapter shall, at a minimum,
20 offer to each policyholder or prospective policyholder
21 a policy that provides both of the following:
22 a. Facility coverage, including but not limited to
23 long-term care facility coverage.
24 b. Nonfacility coverage, including but not limited

25 to home and community-based care coverage.

26 2. An insurer or other person who complies with
27 subsection 1 may also elect to offer a certified long-
28 term care insurance policy that provides only facility
29 coverage.

30 Sec. 6. NEW SECTION. 514H.5 ASSET DISREGARD
31 ADJUSTMENT.

32 1. As used in this section, "asset disregard"
33 means a one dollar increase in the amount of assets an
34 individual who is the beneficiary of a certified long-
35 term care insurance policy and meets the requirements
36 of section 514H.3 may retain under section 249A.35 for
37 each one dollar of benefit paid out under the
38 individual's certified long-term care insurance policy
39 for qualified long-term care services if the policy
40 meets all of the following criteria:

41 a. If purchased prior to January 1, 2005, provides
42 benefits in an amount equal to at least seventy
43 thousand dollars as computed on January 1, 2005.

44 b. If purchased on or after January 1, 2005,
45 provides benefits in an amount equal to at least
46 seventy thousand dollars as computed on January 1,
47 2005, compounded annually by at least five percent, or
48 an amount equal to at least the minimum face amount
49 specified by the commissioner of insurance pursuant to
50 subsection 3, whichever amount is greater.

Page 3

1 c. Includes a provision under which the total
2 amount of the benefit increases by at least five
3 percent, compounded annually.

4 2. When the division responsible for medical
5 services within the department of human services
6 determines whether an individual is eligible for
7 medical assistance under chapter 249A, the division
8 shall make an asset disregard adjustment for any
9 individual who meets the requirements of section
10 514H.3. The asset disregard shall be available after
11 benefits of the certified long-term care insurance
12 policy have been applied to the cost of qualified
13 long-term care services as required under this
14 chapter.

15 3. Beginning September 1, 2006, or one year after
16 the effective date of this Act, whichever is later,
17 the commissioner of insurance shall issue a bulletin
18 annually on that date, declaring the minimum face
19 amount for policies to qualify for the Iowa long-term
20 care asset disregard incentive program for the
21 following calendar year. In making this
22 determination, the commissioner shall consult with the
23 division responsible for collecting data on average

24 nursing home costs in Iowa. Additionally, in making
25 this determination, the commissioner shall consider
26 the current average daily cost for three years of
27 nursing home care and other relevant information.
28 Sec. 7. NEW SECTION. 514H.6 APPLICATION OF ASSET
29 DISREGARD TO DETERMINATION OF INDIVIDUAL'S ASSETS.
30 A public program administered by the state that
31 provides long-term care services and bases eligibility
32 upon the amount of the individual's assets shall apply
33 the asset disregard under section 514H.5 in
34 determining the amount of the individual's assets.
35 Sec. 8. NEW SECTION. 514H.7 PRIOR PROGRAM –
36 DISCONTINUATION OF PROGRAM.
37 1. If the Iowa long-term care asset disregard
38 incentive program is discontinued, an individual who
39 is covered by a certified long-term care insurance
40 policy prior to the date the program is discontinued
41 is eligible to continue to receive an asset disregard
42 as defined under section 514H.5.
43 2. An individual who is covered by a long-term
44 care insurance policy under the long-term care asset
45 preservation program established pursuant to chapter
46 249G, Code 2005, on or before the effective date of
47 this Act, is eligible to continue to receive the asset
48 adjustment as defined under that chapter.
49 3. The insurance division, in cooperation with the
50 department of human services, shall adopt rules to

Page 4

1 provide an asset disregard to individuals who are
2 covered by a long-term care insurance policy prior to
3 the effective date of this Act, consistent with the
4 Iowa long-term care asset disregard incentive program.
5 Sec. 9. NEW SECTION. 514H.8 RECIPROCAL
6 AGREEMENTS TO EXTEND ASSET DISREGARD.
7 The division responsible for medical services
8 within the department of human services may enter into
9 reciprocal agreements with other states to extend the
10 asset disregard under section 514H.5 to Iowa residents
11 who had purchased or were covered by certified long-
12 term care insurance policies in other states.
13 Sec. 10. NEW SECTION. 514H.9 RULES.
14 The insurance division of the department of
15 commerce in cooperation with the department of human
16 services shall adopt rules pursuant to chapter 17A as
17 necessary to administer this chapter. The insurance
18 division shall consult with representatives of the
19 insurance industry in adopting such rules. This
20 delegation of rulemaking authority shall be construed
21 narrowly.
22 Sec. 11. Chapter 249G, Code 2005, is repealed.

23 Sec. 12. MEDICAL ASSISTANCE STATE PLAN AMENDMENT
24 – WAIVER – IOWA LONG-TERM CARE ASSET DISREGARD
25 INCENTIVE PROGRAM.

26 1. The department of human services shall amend
27 the medical assistance state plan to provide that all
28 amounts paid for qualified long-term care services
29 under a certified long-term care insurance policy
30 pursuant to chapter 514H, as enacted in this Act,
31 shall be considered in determining the amount of the
32 asset disregard.

33 2. The department of human services shall seek
34 approval of a medical assistance state plan amendment
35 or make application to the United States department of
36 health and human services for any waiver necessary to
37 implement chapter 514H, as enacted in this Act.

38 Sec. 13. CONTINGENT EFFECTIVE DATE – IOWA LONG-
39 TERM CARE ASSET DISREGARD INCENTIVE PROGRAM.

40 1. This Act shall not take effect until all
41 medical assistance state plan amendments and waivers
42 necessary to implement chapter 514H, as enacted in
43 this Act, are approved by the United States department
44 of health and human services. The department of human
45 services shall notify the Code editor if such approval
46 is received.

47 2. If the requirement of subsection 1 is met, the
48 program shall begin no sooner than six months
49 following the date that the requirement is met.

50 Sec. 14. APPROPRIATION. There is appropriated

Page 5

1	from the general fund of the state to the division of	
2	insurance of the department of commerce for the fiscal	
3	year beginning July 1, 2005, and ending June 30, 2006,	
4	the following amount, or so much thereof as is	
5	necessary, to establish an educational program to	
6	inform Iowans regarding the Iowa long-term care asset	
7	disregard incentive program and for up to the	
8	following full-time equivalent positions:	
9	\$ 300,000
10 FTEs	2.00"

Amendment [H-1479](#) was adopted placing out of order amendment [H-1341](#) filed by Petersen of Polk on April 7, 2005.

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

On the question "Shall the bill pass?" ([H.F. 819](#))

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	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	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:

Huser

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

HOUSE FILES 353 and 736 WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw House Files 353 and 736 from further consideration by the House.

Ways and Means Calendar

House File 869, 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, was taken up for consideration.

Alons of Sioux 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. 869](#))

The ayes were, 100:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	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, none.

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

HOUSE FILES 137 and 387 WITHDRAWN

Drake of Pottawattamie asked and received unanimous consent to withdraw House Files 137 and 387 from further consideration by the House.

Unfinished Business Calendar

[Senate File 375](#), a bill for an act creating the uniform environmental covenants Act, with report of committee recommending amendment and passage, was taken up for consideration.

Greiner of Washington offered the following amendment [H-1340](#) filed by the committee on environmental protection and moved its adoption:

[H-1340](#)

- 1 Amend [Senate File 375](#), as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 5 and inserting the
- 4 following: "455L and accept or maintain such other
- 5 real".
- 6 2. Page 5, lines 2 and 3, by striking the words
- 7 "or protecting ecological features associated with
- 8 real property".
- 9 3. Page 5, by striking line 16.
- 10 4. Page 7, by striking lines 13 through 15 and
- 11 inserting the following:
- 12 "e. A signature by the grantor, the agency, every
- 13 holder, and, unless waived".
- 14 5. Page 9, by striking lines 32 and 33 and
- 15 inserting the following: "agency:"
- 16 6. Page 11, line 5, by inserting after the word
- 17 "covenant" the following: ", unless the person waived
- 18 in a signed record the right to consent or a court
- 19 finds that the person no longer exists or cannot be
- 20 located or identified with the exercise of reasonable
- 21 diligence,".
- 22 7. Page 12, by striking lines 24 through 26 and
- 23 inserting the following:
- 24 "a. The agency."
- 25 8. Page 13, by striking lines 24 and 25 and
- 26 inserting the following:
- 27 "b. The agency or, if".
- 28 9. By renumbering as necessary.

The committee amendment [H-1340](#) was adopted.

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

On the question "Shall the bill pass?" ([S.F. 375](#))

The ayes were, 99:

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

The nays were, 1:

Olson, R.

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 856, a bill for an act providing a sales and use tax exemption for certain nonprofit organizations that build or repair low-income dwellings, was taken up for consideration.

Kurtenbach 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. 856](#))

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

The nays were, 1:

Hunter

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.

Unfinished Business Calendar

House File 687, a bill for an act relating to the issuance of traffic citations for railroad crossing violations, was taken up for consideration.

Rayhons of Hancock offered the following amendment **H-1401** filed by him and Bukta of Clinton and moved its adoption:

H-1401

1 Amend **House File 687** as follows:

2 1. Page 2, line 3, by striking the word
3 "registered".

4 2. Page 2, line 5, by striking the word
5 "registered".

6 3. Page 2, by inserting after line 6 the
7 following:

8 "c. For purposes of this subsection, "owner" means
9 a person who holds the legal title to a motor vehicle;
10 however, if the motor vehicle is the subject of a
11 security agreement with a right of possession in the
12 debtor, the debtor shall be deemed the owner for
13 purposes of this subsection, or if the motor vehicle
14 is leased as defined in section 321.493, the lessee
15 shall be deemed the owner for purposes of this
16 subsection.

17 Sec. __. Section 321.372A, subsection 2,
18 paragraph b, Code 2005, is amended to read as follows:

19 b. If, from the investigation, the peace officer
20 has reasonable cause to believe that a violation of
21 section 321.372, subsection 3, occurred but is unable
22 to identify the driver, the peace officer shall serve
23 a uniform traffic citation for the violation to the
24 owner of the motor vehicle. Notwithstanding section
25 321.484, in a proceeding where the peace officer who
26 conducted the investigation was not able to identify
27 the driver of the motor vehicle, proof that the motor
28 vehicle described in the uniform traffic citation was
29 used to commit the violation of section 321.372,
30 subsection 3, together with proof that the defendant
31 named in the citation was the ~~registered~~ owner of the
32 motor vehicle at the time the violation occurred,
33 constitutes a permissible inference that the
34 ~~registered~~ owner was the driver who committed the
35 violation.

36 Sec. __. Section 321.372A, subsection 2, Code
 37 2005, is amended by adding the following new
 38 paragraph:
 39 NEW PARAGRAPH. c. For purposes of this
 40 subsection, "owner" means a person who holds the legal
 41 title to a motor vehicle; however, if the motor
 42 vehicle is the subject of a security agreement with a
 43 right of possession in the debtor, the debtor shall be
 44 deemed the owner for purposes of this subsection, or
 45 if the motor vehicle is leased as defined in section
 46 321.493, the lessee shall be deemed the owner for
 47 purposes of this subsection."
 48 4. Title page, line 1, by inserting after the
 49 word "for" the following: "school bus warning device
 50 and".

Page 2

1 5. By renumbering as necessary.

Amendment [H-1401](#) was adopted.

[SENATE FILE 313](#) SUBSTITUTED FOR [HOUSE FILE 687](#)

Rayhons of Hancock asked and received unanimous consent to substitute [Senate File 313](#) for [House File 687](#).

[Senate File 313](#), a bill for an act relating to traffic citations issued for school bus warning device and railroad crossing violations, was taken up for consideration.

Rayhons of Hancock 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. 313](#))

The ayes were, 86:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cphoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	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	Mertz
Miller	Murphy	Oldson	Olson, D.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rants, Spkr.	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Schueller	Shomshor
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdike	Carroll, Presiding		

The nays were, 14:

Foege	Hunter	Jochum	Lensing
Mascher	McCarthy	Olson, R.	Shoultz
Taylor, D.	Tomenga	Van Fossen, J.R.	Winckler
Wise	Zirkelbach		

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 410 WITHDRAWN

Kurtenbach of Story asked and received unanimous consent to withdraw House File 410 from further consideration by the House.

HOUSE FILES 331 and 687 WITHDRAWN

Rayhons of Hancock asked and received unanimous consent to withdraw House Files 331 and 687 from further consideration by the House.

ADOPTION OF HOUSE RESOLUTION 48

Raecker of Polk called up for consideration House Resolution 48 as follows, and moved its adoption:

- 1 House Resolution 48
- 2 By Committee On Ethics
- 3 (Successor To HSB 300)

4 A resolution amending the House code of ethics.
5 *Be It Resolved By The House Of Representatives,*
6 That Rule 12, paragraph c, of the House Code of
7 Ethics, as adopted by the House of Representatives
8 during the 2005 Session in [House Resolution 7](#), is
9 amended to read as follows:
10 c. Form and contents of complaint. A complaint
11 shall be in writing.
12 Complaint forms shall be available from the chief
13 clerk of the house, but a complaint shall not be
14 rejected for failure to use the approved form if it
15 complies with the requirements of these rules. The
16 complaint shall contain a certification made by the
17 complainant, under penalty of perjury, that the facts
18 stated in the complaint are true to the best of the
19 complainant's knowledge.
20 To be valid, a complaint shall allege all of the
21 following:
22 (1) Facts, ~~including the approximate date and~~
23 ~~location of any event, incident, or transaction that,~~
24 that if true, establish a violation of a provision of
25 chapter 68B of the Code, the house code of ethics, or
26 house rules governing lobbyists for which penalties or
27 other remedies are provided.
28 (2) That the conduct providing the basis for the
29 complaint occurred within three years of the filing of
30 the complaint.

Page 2

1 (3) That the party charged with a violation is a
2 ~~member or employee of the house, a lobbyist, or a~~
3 ~~client of a lobbyist party subject to the jurisdiction~~
4 of the ethics committee.

The motion prevailed and the resolution was adopted.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 819, 856, 869, Senate Files 313 and 375.**

[SENATE FILE 405](#) REREFERRED

The Speaker announced that [Senate File 405](#), previously referred to committee on **state government** was **passed on file.**

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 25th day of April, 2005: House Files 276, 710, 717, 757 and 771.

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 22, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 613](#), an Act relating to the regulation of hot water heating boilers for swimming pools and spas.

[House File 641](#), an Act concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

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

[House File 760](#), an Act relating to dependent adults and the provision of protective services.

[House File 768](#), an Act relating to the publishing of notice of recommendations to grant permits for diversion, storage, and withdrawal of water.

[House File 776](#), an Act relating to governmental financial and information technology activities, including membership in state insurance plans by former members of the general assembly, designation of a chief information officer for the state, cooperative procurement agreements, distribution of state employee salary information, setoff authority for capitol complex and state laboratory parking fines collection, sales of disposed personal property of the state by not-for-profit organizations, a local government setoff authority pilot project, and providing for a study concerning credit card payments accepted by government.

[House File 784](#), an Act to establish an advanced practice registered nurse compact and including a future repeal.

[Senate File 260](#), an Act relating to debt collection disclosure requirements for certain financial institution affiliates.

[Senate File 304](#), an Act relating to the provisions of the Elder Iowans Act.

[Senate File 335](#), an Act relating to access to dependent adult abuse information and unemployment compensation claims.

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\1300 Earl Ashcraft, Sioux City – For celebrating his 105th birthday.
- 2005\1301 Francis Ohl, Woodbine – For celebrating her 80th birthday.
- 2005\1302 Loie McElwain, Woodbine – For celebrating her 80th birthday.
- 2005\1303 Mary Azney, Woodbine – For celebrating her 80th birthday.
- 2005\1304 Rudy and Harold Phipps, Onawa – For celebrating their 65th wedding anniversary.
- 2005\1305 Herold and Arlene Meyer, Onawa – For celebrating their 50th wedding anniversary.
- 2005\1306 Robert and Julia Gochenour, Mondamin – For celebrating their 50th wedding anniversary.
- 2005\1307 Emily Hubert-McDermott, Dubuque – For being selected to the National People To People Leadership Forum.
- 2005\1308 Ginny Luke, Dubuque – For receiving Honorable Mention in the Walgreens National Concerto Competition in the Junior Open division.
- 2005\1309 Alexander Persaud, Dubuque – For being named to the Iowa Academic All Star Recognition Team.
- 2005\1310 Laverne and Marie Ambrosy, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1311 Floyd and Doris Tomter, Dubuque – For celebrating their 65th wedding anniversary.

- 2005\1312 Kelly Rehan, Sioux City – For receiving the Harry S. Bunker Memorial Scholarship at the University of Iowa.
- 2005\1313 Norm Marienau, Hawarden – For celebrating his 80th birthday.
- 2005\1314 Mel Hulleman, Hawarden – For celebrating his 80th birthday.
- 2005\1315 Wayne Waterman, Akron – For celebrating his 101st birthday.
- 2005\1316 Wilma Kulvik, Akron – For celebrating her 80th birthday.
- 2005\1317 Marion Groff, Le Mars – For celebrating her 90th birthday.
- 2005\1318 Anita Berkenpas, Le Mars – For celebrating her 87th birthday.
- 2005\1319 Margaret Kennedy, Le Mars – For celebrating her 101st birthday.
- 2005\1320 Clifford and Shirley Waag, Elk Point – For celebrating their 50th wedding anniversary.
- 2005\1321 Vernon and Joyce Reihmann, Middle Amana – For celebrating their 50th wedding anniversary.
- 2005\1322 Wayne Waterman, Sioux City – For celebrating his 101st birthday.
- 2005\1323 Vince and Evelyn Tierney, Melrose – For celebrating their 50th wedding anniversary.
- 2005\1324 Josephine Stark, Waterloo – For celebrating her 100th birthday.
- 2005\1325 Robert and Patricia Prine, Dubuque – For celebrating their 50th wedding anniversary.
- 2005\1326 Abigail Compton, Sheffield – For celebrating her 85th birthday.
- 2005\1327 Dorothy Pedersen, Clear Lake – For celebrating her 90th birthday.
- 2005\1328 Art and Berniece Koenigsberg, Sheffield – For celebrating their 60th wedding anniversary.
- 2005\1329 Myron and Shirley Hulsing, Rockwell – For celebrating their 50th wedding anniversary.
- 2005\1330 Frankie (Bud) and Helen Meyers, Clear Lake – For celebrating their 50th wedding anniversary.

RESOLUTION FILED

[HR 50](#), by Paulsen, a resolution requesting the establishment of an interim study committee by the legislative council to conduct a study

of issues related to the costs of professional liability (malpractice) insurance for health care providers in Iowa.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-1478</u>	<u>H.F. 868</u>	Jochum of Dubuque Winckler of Scott
<u>H-1480</u>	<u>H.F. 868</u>	Mascher of Johnson
<u>H-1481</u>	<u>H.F. 875</u>	Huser of Polk
<u>H-1482</u>	<u>H.F. 614</u>	Senate Amendment
<u>H-1483</u>	<u>H.F. 870</u>	Horbach of Tama

On motion by Jacobs of Polk the House adjourned at 5:05 p.m., until 8:45 a.m., Tuesday, April 26, 2005.