

PROOF

STATE OF IOWA

House Journal

TUESDAY, FEBRUARY 7, 2006

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JOURNAL OF THE HOUSE

Thirtieth Calendar Day - Twenty-first Session Day

Hall of the House of Representatives
Des Moines, Iowa, Tuesday, February 7, 2006

The House met pursuant to adjournment at 8:49 a.m., Speaker Rants in the chair.

Prayer was offered by Sister Delores Hannon, Superintendent of St. Edmond Catholic School, Fort Dodge.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, February 6, 2006 was approved.

INTRODUCTION OF BILLS

[House Joint Resolution 2001](#), by Gipp and Murphy, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

Read first time and referred to committee on **administration and rules**.

[House File 2254](#), by J.R. Van Fossen, a bill for an act providing for the licensure of operators authorized to use and explode fireworks and making penalties applicable.

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

[House File 2255](#), by Heaton, a bill for an act relating to notification of parents, guardians, or custodians of children receiving child care from an unregistered child care home when it is determined that child abuse involving the home has occurred.

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

[House File 2256](#), by Mascher, a bill for an act appropriating moneys for the substance abuse therapeutic community treatment program at the Iowa correctional institution for women.

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

[House File 2257](#), by Thomas, a bill for an act appropriating revenues from the state franchise tax to cities and counties.

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

[House File 2258](#), by Wendt, a bill for an act relating to and making an appropriation to the department of education for the establishment of a grant program for the purchase and installation of air conditioning units in attendance centers.

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

[House File 2259](#), by Mascher, a bill for an act relating to deposits on certain electronic goods and providing penalties.

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

[House File 2260](#), by Jacobs, a bill for an act relating to identification of publicly owned motor vehicles used by persons who provide off-site or in-home medical or mental health services.

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

[House File 2261](#), by Frevert, a bill for an act allowing an individual income tax deduction for dentists who receive state medical assistance reimbursement which is less than their normal fee and including a retroactive applicability date provision.

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

[House File 2262](#), by Heaton, a bill for an act relating to limitations in restricting of access to certain drugs under the purview of the medical assistance drug utilization review commission.

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

[House File 2263](#), by May, a bill for an act relating to motor vehicles and motor vehicle fuel, by providing for notice to consumers that a motor vehicle is a flexible fuel motor vehicle.

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

[House File 2264](#), by Jenkins, a bill for an act allowing additional members to be appointed to a local board of health.

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

[House File 2265](#), by Swaim, a bill for an act relating to smoking prohibitions in child care facilities and child care homes and making a penalty applicable.

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

[House File 2266](#), by Wendt, a bill for an act relating to and making an appropriation to the department of education for the establishment and implementation of an area education agency infrastructure grant program.

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

[House File 2267](#), by Mascher, a bill for an act relating to eligibility under the medical assistance program for family planning services.

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

[House File 2268](#), by Shoultz, a bill for an act regulating anhydrous ammonia stored by persons licensed as fertilizer dealers by the department of agriculture and land stewardship, and making penalties applicable.

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

[House File 2269](#), by Wendt, a bill for an act relating to the development of an Iowa studies professional development plan and the establishment of an Iowa studies committee.

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

[House File 2270](#), by Ford, a bill for an act making an appropriation to the department of justice for the development of a domestic violence brochure regarding the effects of domestic violence.

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

[House File 2271](#), by Hogg, a bill for an act relating to the regulation, production, and consumption of energy including providing for sales tax exemptions, income tax credits, research and development, and use tax refunds, requiring an electricity renewable energy standard, providing for a certificate of public convenience, low-income weatherization, a community energy conservation plan program, providing for public education of energy efficiency, and renewable energy education, establishing emission reduction goals, providing for state certification of carbon sequestration, establishing a renewable energy for schools grant program, establishing high-performance standards for certain public buildings, and making appropriations.

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

[House File 2272](#), by Ford, a bill for an act relating to the certification and registration of real estate appraisers, providing a penalty, and making an appropriation.

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

[House File 2273](#), by Miller, a bill for an act allowing the state poet laureate to be reimbursed for expenses for the performance of official duties and making an appropriation.

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

[House File 2274](#), by Jenkins, a bill for an act providing individual and corporate income tax credits for the purchase and installation of methane gas conversion property by livestock producers to be used to generate electricity and including a retroactive applicability date provision.

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

[House File 2275](#), by Ford, a bill for an act relating to technical assistance for certain recipients of moneys from the grow Iowa values fund.

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

[House File 2276](#), by Chambers, a bill for an act relating to a school district's authority regarding attendance for graduating seniors.

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

[House File 2277](#), by Schueller, Ford, Miller, Kressig, Bukta, Lukan, Pettengill and Mertz, a bill for an act relating to abuse of a human corpse, and providing penalties.

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

[House File 2278](#), by Ford, a bill for an act relating to investment tax credits for eligible businesses under the enterprise zone program.

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

[House File 2279](#), by Schueller, Kressig, Kuhn, Bukta, Lukan, Frevert, Bell, Hunter, Pettengill, Mertz and Jacoby, a bill for an act permitting cash prizes at annual game nights conducted by qualified organizations representing volunteer emergency services providers.

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

[House File 2280](#), by Ford, a bill for an act directing the state board of regents to conduct a statewide study of the kindergarten through grade twelve school system to determine and recommend best strategies to improve student achievement.

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

[House File 2281](#), by Jacoby and McCarthy, a bill for an act concerning employment protection for members of the national defense medical system and providing an effective date and applicability provision.

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

[House File 2282](#), by committee on local government, a bill for an act relating to the election of mayor and city council members in a city governed by the council-manager-at-large form of city government.

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

[House File 2283](#), by committee on commerce, regulation and labor, a bill for an act to provide that the state elevator code supersedes conflicting provisions of building codes.

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

[House File 2284](#), by committee on education, a bill for an act relating to the core curriculum plan developed by a school district in cooperation with a student.

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

SPECIAL PRESENTATION

Jenkins of Black Hawk introduced to the House Congressmen Dr. Daniel Bianchi, Mr. Daniel Pena and Mr. Enrique Pintado of Uruguay, accompanied by Hoyt Rodgers from the U.S. State Department.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 9:01 a.m., until 4:00 p.m.

AFTERNOON SESSION

The House reconvened at 4:00 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 2285](#), by Petersen, Wise, Reichert, Reasoner, Shomshor, Quirk, Frevert, Gaskill, Heddens, Whitaker, Bukta, D. Olson, Shoultz, Jochum, Mascher, Kressig, T. Taylor, Winckler, Lensing, D. Taylor, Pettengill, Berry, Wendt, Swaim, Cohoon, Foege,

Mertz, Bell, Huser, R. Olson, Whitead, Lykam, Jacoby, Oldson, Murphy, Kuhn, Fallon, Miller and Hunter, a bill for an act restricting electronic access to minors for certain purposes by creating a kids no e-contact list, prohibiting the sending of certain electronic messages to minors, creating a kids no e-contact list fund and providing for fees, and providing for civil penalties and remedies, and making appropriations and providing an effective date.

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

[House File 2286](#), by J.R. Van Fossen, a bill for an act creating the penalty of death for the commission of murder in the first degree, kidnapping, and sexual abuse against the same minor, using DNA or fingerprint evidence to identify the perpetrator, providing a penalty, and providing an effective date.

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

[House File 2287](#), by Berry, a bill for an act relating to the training requirements for foster parent licensure.

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

[House File 2288](#), by Gaskill, a bill for an act relating to the provision of assistance to inmates regarding temporary modification of child support obligations.

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

[House File 2289](#), by Upmeyer and Kaufmann, a bill for an act providing for the retention of fees by licensing boards, and the bureau of radiological health, under the purview of the Iowa department of public health, and providing an effective date.

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

[House File 2290](#), by Reasoner, a bill for an act relating to participation of area education agencies and local education agencies in the medical assistance program.

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

[House File 2291](#), by Fallon, a bill for an act relating to state land management and planning and local land management and planning for certain counties and cities and providing effective dates.

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

[House File 2292](#), by Lukan, a bill for an act relating to the operation of all-terrain vehicles on the highway for limited purposes.

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

[House File 2293](#), by Schickel, a bill for an act relating to adoption and termination of jurisdiction of a court involving prior child support and custody proceedings.

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

[House File 2294](#), by committee on education, a bill for an act providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

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

CONSIDERATION OF BILL
Regular Calendar

[House Joint Resolution 5](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors, was taken up for consideration.

Jochum of Dubuque moved that the joint resolution be read a last time now and placed upon its passage which motion prevailed and the joint resolution was read a last time.

[House Joint Resolution 5](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the qualification of electors.

Be It Resolved by the General Assembly of the State Of Iowa:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Section 5 of Article II of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

DISQUALIFIED PERSONS. SEC. 5. A person adjudged mentally incompetent to vote or a person convicted of any infamous crime shall not be entitled to the privilege of an elector.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" ([H.J.R. 5](#))

The yeas were, 96:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Heddens	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	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
Wildurdyke	Winckler	Wise	Mr. Speaker Rants

The nays were, none.

Absent or not voting, 4:

Dix Hoffman Huser Zirkelbach

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House Joint Resolution 5](#) be immediately messaged to the Senate.

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

- 2006\466 Lyle and Pat Edwards, Gladbrook – For celebrating their 50th wedding anniversary.
- 2006\467 Justin and Agnes Droessler, Dubuque – For celebrating their 50th wedding anniversary.
- 2006\468 Gladys Northrup, Mason City – For celebrating her 100th birthday.
- 2006\469 Skyler Wistrom, Stanton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2006\470 Harold and Janice Nostrom, Humboldt – For celebrating their 50th wedding anniversary.
- 2006\471 David and Lanny Gray, Rockwell City – For celebrating their 50th wedding anniversary.
- 2006\472 Connie and Faith Mandal, Dows – For celebrating their 59th wedding anniversary.
- 2006\473 Glen and Donna Janssen, Jewell – For celebrating their 60th wedding anniversary.
- 2006\ 474 Richard and Naomi Grossweiler, Rockwell – For celebrating their 50th wedding anniversary.

- 2006\475 Philip and Wilma Luppen, Kanawha – For celebrating their 50th wedding anniversary.
- 2006\476 Dave and Clarice Trotter, Newton – For celebrating their 65th wedding anniversary.
- 2006\477 Leona Olhausen, Hartley – For celebrating her 100th birthday.
- 2006\478 Betty Sharer, Jewell – For celebrating her 80th birthday.
- 2006\479 Mr. and Mrs. Henry Britcher, Davenport – For celebrating their 60th wedding anniversary.
- 2006\480 Mr. and Mrs. Raymond Perlick, Davenport – For celebrating their 60th wedding anniversary.
- 2006\481 Mr. and Mrs. Ulysses Walker, Davenport – For celebrating their 50th wedding anniversary.
- 2006\482 Mr. and Mrs. Charley Breinich, Davenport – For celebrating their 65th wedding anniversary.
- 2006\483 Mr. and Mrs. Donald Creech, Davenport – For celebrating their 50th wedding anniversary.
- 2006\484 Ann Boelman, La Porte City – For celebrating her 95th birthday.
- 2006\485 Jo Schefelbein, Fairbank – For celebrating her 80th birthday.
- 2006\486 Don and Dorothy Boldt, La Porte City – For celebrating their 50th wedding anniversary.
- 2006\487 Roger and Helen Noe, Rowley – For celebrating their 50th wedding anniversary.
- 2006\488 Sue and Lenny Weih, Clinton – For receiving the Cap Timm President's Award for their contributions to the Iowa High School Baseball Coaches Association over the past 30 years.
- 2006\489 Roy and Darlene Struve, Clinton – For celebrating their 50th wedding anniversary.
- 2006\490 Eugene and June Hood, Clinton – For celebrating their 50th wedding anniversary.
- 2006\491 Lyle and JoAnn Guenther, West Union – For celebrating their 50th wedding anniversary.
- 2006\492 Mabel Kuper, Oelwein – For celebrating her 89th birthday.
- 2006\493 Willhart Schellhorn, Oelwein – For celebrating his 89th birthday.

2006\494 Lula Buls, Frederika – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 2119](#)

Commerce, Regulation and Labor: Struyk, Chair; Hoffman, Oldson, Pettengill, Quirk, Sands, Soderberg, Tomenga and Wise.

[House File 2151](#)

Commerce, Regulation and Labor: Tomenga, Chair; Freeman, Jacobs, Kressig, Petersen, Sands and Wise.

[House File 2185](#)

Human Resources: Upmeyer, Chair; Carroll and Jacoby.

[House File 2207](#)

Public Safety: J.R. Van Fossen, Chair; Heddens and Tjepkes.

[House File 2212](#)

Human Resources: Heaton, Chair; Carroll and Petersen.

[House File 2214](#)

Public Safety: J.R. Van Fossen, Chair; Horbach and Lykam.

[House File 2230](#)

Commerce, Regulation and Labor: Tomenga, Chair; Freeman, Jacobs, Kressig, Petersen, Sands and Wise.

[House File 2234](#)

Local Government: Watts, Chair; Hoffman and Schueller.

[House File 2251](#)

Environmental Protection: Kurtenbach, Chair; Horbach and Kressig.

[House File 2277](#)

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

[Senate File 2056](#)

Appropriations: May, Chair; Bell and Roberts.

[Senate File 2087](#)

Environmental Protection: Huseman, Chair; De Boef and Heddens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 629](#) **Economic Growth**

Allowing cities to create enterprise zones near modes of transportation.

[H.S.B. 630](#) **Economic Growth**

Relating to eligibility requirements and certification of enterprise zones under the enterprise zone program and including effective and retroactive applicability dates.

[H.S.B. 631](#) **Public Safety**

Relating to the standardized training and state certification of reserve peace officers.

[H.S.B. 632](#) **Public Safety**

Relating to the practices and procedures of the department of corrections and the judicial district departments of correctional services, including increasing the penalty for sexual misconduct by an officer, employee, or agent of the department of corrections or a judicial district department of correctional services, and providing for a fee.

[H.S.B. 633](#) **Transportation**

Relating to driver licensing provisions, motor vehicle operating restrictions, and passenger restraint requirements applicable to persons under age of eighteen, and providing penalties.

[H.S.B. 634](#) **Judiciary**

Extending the statute of limitations for the filing of an indictment or information in a felony or aggravated or serious misdemeanor proceeding involving DNA profiling.

H.S.B. 635 Judiciary

Relating to the distribution of a presentence investigation report in a criminal proceeding.

H.S.B. 636 Judiciary

Relating to indigent defense claims and the reimbursement of costs in juvenile cases paid by a county.

H.S.B. 637 Judiciary

Relating to the crime victim compensation fund.

H.S.B. 638 Judiciary

Relating to the appointment of district associate judges and magistrates.

H.S.B. 639 Judiciary

Relating to the judicial branch including the assessment of court fees and costs.

H.S.B. 640 Economic Growth

Relating to projects identified under the Iowa great places program.

H.S.B. 641 Economic Growth

Relating to the linked investments for tomorrow Act.

H.S.B. 642 Economic Growth

Authorizing the rebate of state sales tax revenues to the owner or operator of a significant destination project.

H.S.B. 643 Human Resources

Relating to services and requirements for current and former participants in the child welfare system.

H.S.B. 644 Human Resources

Relating to persons with mental illness, mental retardation, developmental disabilities, or brain injury by addressing purposes and quality standards for services and other support available for such persons, establishing basic financial eligibility standards, addressing state and county financial responsibility for the cost of the services and other support, and providing an applicability date.

H.S.B. 645 Human Resources

Providing for various technical and substantive changes relating to health licensing and related public health matters.

H.S.B. 646 Human Resources

Relating to the regulation and practice of pharmacy, including providing for the establishment of a limited drug and device distributor license, and making technical corrections.

H.S.B. 647 Human Resources

Relating to programs and functions under the purview of the Iowa department of public health.

H.S.B. 648 Human Resources

Relating to the licensing and inspection of hotels, home food establishments, and food establishments, providing and increasing fees, making penalties applicable, making a contingent appropriation, and providing an effective date.

H.S.B. 649 Judiciary

Relating to landlords and tenants including notice requirements to terminate a periodic tenancy, representation of an owner of residential rental property in small claims court, and service of a petition for forcible entry and detainer by publication.

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 EDUCATION

Committee Bill (Formerly [House File 2129](#)), providing for an increase in the number of years for which supplementary weighting for limited English proficient students may be obtained, and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** February 6, 2006.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House Study Bill 549](#)), relating to the appointment of a judicial officer, a clerk of the district court, or a chief juvenile court officer.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 2006.

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House File 735](#)), establishing the public hunting, parks, and trails program, and making appropriations to the program and to the conservation practices revolving loan fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 2006.

RESOLUTION FILED

[HR 113](#), by Heddens, a resolution honoring The Madrid Homes on its centennial year.

Laid over under **Rule 25**.

AMENDMENTS FILED

<u>H-8011</u>	<u>H.F. 2239</u>	Wendt of Woodbury
<u>H-8012</u>	<u>H.F. 2239</u>	Bukta of Clinton
<u>H-8013</u>	<u>H.F. 2238</u>	Watts of Dallas

On motion by Gipp of Winneshiek the House adjourned at 4:08 p.m., until 8:45 a.m., Wednesday, February 8, 2006.