

PROOF

STATE OF IOWA

House Journal

THURSDAY, FEBRUARY 24, 2005

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(The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE HOUSE

Forty-sixth Calendar Day - Thirty-second Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, February 24, 2005

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

Prayer was offered by Reverend Loren Strait, pastor of the Glen Echo Christian Church, Des Moines. He was the guest of Representative Janet Petersen from Polk County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, February 23, 2005 was approved.

INTRODUCTION OF BILLS

[House File 429](#), by Whitaker and Swaim, a bill for an act relating to deer taken without a license by military personnel.

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

[House File 430](#), by Frevert, a bill for an act relating to the reimbursement for dental services under the medical assistance program.

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

[House File 431](#), by Foege and Heaton, a bill for an act relating to the creation of a consumer choice, support, and education program.

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

[House File 432](#), by Swaim, a bill for an act relating to the establishment of multicounty jails, and making an appropriation.

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

[House File 433](#), by Kressig, a bill for an act relating to city development, annexation, and regional planning authorities.

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

[House File 434](#), by T. Taylor, a bill for an act providing that employees be paid based on comparable worth and making penalties applicable.

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

[House File 435](#), by Paulsen and Mertz, a bill for an act providing for the regulation of commercial canine operations.

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

[House File 436](#), by Baudler, McCarthy and J.R. Van Fossen, a bill for an act relating to the manufacturing of a controlled substance or counterfeit substance near property frequented by children, and providing for a penalty.

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

[House File 437](#), by Paulsen, a bill for an act relating to reimbursement of costs for certain appeals of the action of the local board of review relating to property assessments.

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

[House File 438](#), by committee on agriculture, a bill for an act 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.

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

[House File 439](#), by committee on judiciary, a bill for an act providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

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

[House File 440](#), by committee on public safety, a bill for an act 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.

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

[House File 441](#), by Mascher, a bill for an act relating to the temporary confinement of prisoners in the custody of the federal government or the department of corrections in a county jail.

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

[House File 442](#), by Dandekar, Jacobs, Petersen, Upmeyer and Huser, a bill for an act establishing a sex offender registry database task force within the department of administrative services.

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

[House File 443](#), by Mascher, a bill for an act relating to implementing a brain injury surcharge, creating a brain injury surcharge fund, and making appropriations to the fund.

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

[House File 444](#), by Huser, Lensing, Wessel-Kroeschell, Berry, Mascher, Winckler and Jochum, a bill for an act relating to a landlord's retaliatory actions against a tenant for summoning or receiving police or emergency assistance in response to a domestic abuse situation.

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

[House File 445](#), by Mascher, a bill for an act relating to the state sales and use tax exemption for access to on-line computer services.

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

House File 446, by Elgin, a bill for an act relating to the road use tax fund by allowing counties to create a regional transportation board for secondary road improvements and providing for allocations from the fund.

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

House File 447, by Whitaker, a bill for an act relating to the development of nursing care plans in hospitals.

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

House File 448, by Mascher, a bill for an act relating to services available to women during pregnancy and postpartum.

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

BILL 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 bill has 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 24th day of February, 2005: [House File 102](#).

MARGARET A. THOMSON
Chief Clerk of the House

Report adopted.

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\528	Clara Hagge, Clinton – For celebrating her 100 th birthday.
2005\529	Kari Hoffman, Mason City – For her contribution to the 11 th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.

- 2005\530 Karl Longhort, Mason City – For his contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\531 Cassandra Miller, Mason City – For her contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\532 Katherine Ploking, Mason City – For her contribution to the 11th annual University of Iowa Dance Marathon benefiting the Children's Hospital of Iowa.
- 2005\533 Jeannine Rathbone, Tripoli – For celebrating her 80th birthday.
- 2005\534 Anastasia "Starr" Holder, Waucoma – For celebrating her 85th birthday.
- 2005\535 Cletus Mihm, St. Lucas – For celebrating his 85th birthday.
- 2005\536 Lula Buls, Frederika – For celebrating her 89th birthday.
- 2005\537 Alice Nauholz, Oelwein – For celebrating her 90th birthday.
- 2005\538 Alfred and Joan Gloede, Sumner – For celebrating their 50th wedding anniversary.
- 2005\539 Mr. and Mrs. Kenneth Asmussen, Glenwood – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House Joint Resolution 2](#)

State Government: Drake, Chair; Bukta, Gaskill, Jones and Tomenga.

[House File 326](#)

State Government: Raecker, Chair; Roberts and Wendt.

[House File 334](#)

State Government: Elgin, Chair; Quirk and Upmeyer.

[House File 342](#)

Human Resources: Heaton, Chair; Carroll and Ford.

[House File 353](#)

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

[House File 384](#)

Education: Chambers, Chair; Ford and Granzow.

[House File 385](#)

Education: Chambers, Chair; Hogg and Tymeson.

[House File 390](#)

Education: Kaufmann, Chair; Boal and Foegen.

[House File 394](#)

Education: Chambers, Chair; Cohoon and Tomenga.

[House File 396](#)

Education: Tymeson, Chair; Ford and Tomenga.

[House File 401](#)

Education: Carroll, Chair; Tymeson and Winckler.

[House File 406](#)

Education: Chambers, Chair; Bukta and Paulsen.

[House File 409](#)

Education: Boal, Chair; Mascher and Roberts.

[House File 416](#)

Natural Resources: Lukan, Chair; Arnold and D. Taylor.

[House File 421](#)

Education: Dolecheck, Chair; Boal and Wendt.

[Senate File 169](#)

Public Safety: Baudler, Chair; Chambers, Lykam, McCarthy and Tjepkes.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 201](#)

Education: Dolecheck, Chair; Soderberg and Winckler.

[House Study Bill 202](#)

Judiciary: Anderson, Chair; Boal and Swaim.

[House Study Bill 203](#)

Education: Tymeson, Chair; Chambers and Wendt.

[House Study Bill 208](#)

Judiciary: Tymeson, Chair; Maddox and Swaim.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

[H.S.B. 209](#) **Judiciary**

Relating to the assessment of a civil penalty upon the entry of a deferred judgment.

[H.S.B. 210](#) **Commerce, Regulation and Labor**

Relating to identity theft including criminal violations and damages recoverable in a civil action, providing for forfeiture of property and for certain rights of financial institutions, and providing for civil remedies.

[H.S.B. 211](#) **Commerce, Regulation and Labor**

Relating to various provisions administered by the insurance division of the department of commerce concerning premium tax refunds, the interstate insurance compact, insurer insolvency proceedings, individual health insurance, the small employer carrier reinsurance program, the Iowa comprehensive health association, fire insurance policies, the Iowa insurance guaranty association, the FAIR plan, motor vehicle service contract, investments by county and state mutual associations, reciprocal or interinsurance contract premium rates, unauthorized activity of insurance producers, and annuity contracts for cemetery and funeral merchandise and funeral services, and making fees and penalties applicable and providing effective and retroactive applicability dates.

H.S.B. 212 Commerce, Regulation and Labor

Relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreement and reporting, establishing and appropriating fees, and providing penalties.

H.S.B. 213 Economic Growth

Relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

H.S.B. 214 Human Resources

Relating to the regulation of pharmacy benefits management, and providing for injunctive and other civil relief.

H.S.B. 215 Human Resources

Requiring the department of agriculture and land stewardship to revise certain application requirements applicable to the women, infants, and children Iowa farmers market nutrition program and the senior farmers market nutrition program and providing an effective date.

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 AGRICULTURE

Committee Bill (Formerly [House Study Bill 190](#)), restricting the sale of ammonium nitrate by fertilizer dealers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 172](#)), relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the general fund.

Fiscal Note is not required.

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

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House Study Bill 97](#)), relating to the suspension of a child support obligation.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly [House Study Bill 103](#)), relating to the Iowa commission on volunteer service.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly [House Study Bill 105](#)), relating to child support recovery and nullifying related administrative rules.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly [House Study Bill 157](#)), relating to the provisions of the elder Iowans Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON JUDICIARY

Committee Bill (Formerly [House File 15](#)), providing an exception to municipal tort liability for all-terrain vehicling.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

Committee Bill (Formerly [House Study Bill 16](#)), providing for the elimination of specified requirements applicable to an attorney providing brokerage and closing services in connection with a real estate auction.

Fiscal Note is not required.

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

Pursuant to Rule 31.7, [House File 439](#) was referred to the committee on commerce, regulation and labor.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House File 195](#)), relating to city waterworks franchises.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House Study Bill 80](#)), increasing the speed limit for vehicular traffic on interstate highways.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House File 26](#)), phasing out the state income tax on social security benefits and on pension and retirement income and providing a retroactive applicability date.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 19](#)), proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

Fiscal Note is not required.

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

RESOLUTION FILED

HCR 8, by Granzow and Thomas, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Laid over under **Rule 25**.

On motion by Jacobs of Polk the House adjourned at 8:59 a.m., until 9:00 a.m., Friday, February 25, 2005.