

PROOF

STATE OF IOWA

House Journal

FRIDAY, MARCH 4, 2005

Printed daily by the State of Iowa during the sessions of the General Assembly.
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.)

JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day - Thirty-eighth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Friday, March 4, 2005

The House met pursuant to adjournment at 9:00 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Chuck Gipp, House Majority Leader from Winneshiek County.

The Journal of Thursday, March 3, 2005 was approved.

INTRODUCTION OF BILLS

[House File 571](#), by Fallon, a bill for an act establishing an Iowa clean election Act and fund, providing penalties, and providing effective and retroactive applicability dates.

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

[House File 572](#), by Granzow, a bill for an act establishing a new bicycle user fee and making an appropriation.

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

[House File 573](#), by Heddens, Smith, Hogg, Gaskill, Pettengill, J.R. Van Fossen, Hunter, Foege, Wessel-Kroeschell, Kressig, Miller, Frevert, Schueller, Zirkelbach, Swaim, Jochum, R. Olson, Berry, Mertz, Cohoon, Bell, Kuhn, Bukta, Murphy and Heaton, a bill for an act relating to childhood obesity and foods and beverages sold and served on public school campuses, providing for a task force, and providing an effective date.

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

[House File 574](#), by Fallon, a bill for an act to require rate-regulated electric utilities to purchase a minimum amount of alternate energy and providing an effective date.

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

[House File 575](#), by Raecker, a bill for an act relating to the licensing requirements of dealers of new motor vehicles including the license application, establishing or changing the location of a dealer's place of business, and providing for payment of costs and providing an effective date.

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

[House File 576](#), by Wilderdyke, a bill for an act concerning elevators, by providing for membership on the elevator safety board, variances for residential elevators in churches, and providing applicability and effective date provisions.

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

[House File 577](#), by Davitt and Lukan, a bill for an act relating to internet website redesign by the department of economic development.

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

[House File 578](#), by Boal, Elgin, Freeman, Jochum, McCarthy, Petersen, D. Taylor, Lukan and Dandekar, a bill for an act providing on-time funding for school districts with increasing enrollments, making an appropriation, and providing effective and applicability dates.

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

[House File 579](#), by Wendt, a bill for an act establishing a one-year postsecondary readiness pilot program and making an appropriation.

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

[House File 580](#), by committee on agriculture, a bill for an act relating to the administration of the Iowa egg council, including by

providing for the use, promotion, and research of eggs and egg products, and providing for an assessment.

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

[House File 581](#), by committee on commerce, regulation and labor, a bill for an act relating to interstate natural gas pipelines including requirements regarding construction, operation, and maintenance, applicable penalties and resultant damages, and easements.

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

[House File 582](#), by committee on commerce, regulation and labor, a bill for an act relating to the funding of the dual party relay service through assessments on telecommunications carriers providing telephone service.

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

[House File 583](#), by committee on judiciary, a bill for an act limiting causes of action against veterinary practitioners who provide care to animals suffering distress.

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

[House File 584](#), by committee on judiciary, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer.

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

[House File 585](#), by committee on human resources, a bill for an act relating to assisted living programs and providing for a fee.

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

[House File 586](#), by committee on human resources, a bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date.

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

[House File 587](#), by committee on human resources, a bill for an act relating to adult day services regulation and providing penalties.

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

[House File 588](#), by committee on environmental protection, a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

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

[House File 589](#), by committee on ways and means, a bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions.

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

[House File 590](#), by committee on natural resources, a bill for an act providing for special senior crossbow deer hunting licenses.

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

[House File 591](#), by committee on transportation, a bill for an act relating to state department of transportation duties concerning its budget, distribution of state institutional road funds, vehicle weight and length restrictions, all-terrain vehicle use, evidence of interstate authority and penalties, airport transfers to aviation authorities, and providing an effective date.

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

[House File 592](#), by Frevert, a bill for an act providing for creditable service under the public safety peace officers' retirement system for service under certain prior city fire retirement and police retirement systems and providing an appropriation.

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

[House File 593](#), by Mascher, Lensing, Winckler, Jochum, Hunter, Berry, Heddens, Cohoon, Zirkelbach, Jacoby, Foege, Oldson, Wessel-

Kroeschell, Reichert, Wendt, Whitead, T. Taylor, Bukta, D. Olson, Kressig, Davitt, Frevert and Schueller, a bill for an act requiring school districts and accredited nonpublic schools to have media centers and specialists and an elementary-secondary guidance program and providing for waivers.

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

[House File 594](#), by Alons, Dolecheck, Chambers, Roberts, De Boef and Carroll, a bill for an act prohibiting the provision of state library services to, and certain use of state funds by, school districts, area education agencies, and public libraries that do not have in place nor enforce certain internet use policies and technology protection measures.

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

[House File 595](#), by Drake, a bill for an act requiring certain safety-related information concerning a child to be provided to a parent, guardian, or foster parent or other custodian of a child.

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

[House File 596](#), by Mascher, Hunter, Foege, Lensing, Winckler, Jacoby, Oldson, Heddens, Fallon and Wessel-Kroeschell, a bill for an act prohibiting discrimination based upon a person's sexual orientation or gender identity under the Iowa civil rights Act.

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

[House File 597](#), by Zirkelbach, Foege, Kuhn, Thomas and Wendt, a bill for an act relating to economic development assistance to facilities involved in aquaculture.

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

[House File 598](#), by Petersen, Wise, Quirk, Oldson, Jacoby, Miller, Mertz, Frevert, Bell and Wendt, a bill for an act relating to medical malpractice liability including the creation of a patient compensation fund for the payment of certain medical malpractice claims and making an appropriation.

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

[House File 599](#), by D. Olson, a bill for an act creating an economic development internship program and fund, making appropriations, and providing a contingent effective date.

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

[House File 600](#), by Petersen, Kurtenbach, Oldson and Dolecheck, a bill for an act relating to the sale, issuance, and redemption of gift certificates including providing for abandonment, establishing restrictions on fees and charges, prohibiting expiration dates and other restrictive terms, and making penalties applicable.

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

[House File 601](#), by Granzow and Soderberg, a bill for an act relating to a regulatory information and coordination service administered by the department of economic development.

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

[House File 602](#), by committee on environmental protection, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste.

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

[House File 603](#), by committee on judiciary, a bill for an act relating to a contribution to a statewide nonprofit legal aid organization in a criminal proceeding.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 3, 2005, amended and passed the following bill in which the concurrence of the Senate was asked:

[House File 277](#), a bill for an act relating to the deregulation of communications services including considering market forces, eliminating accounting plan requirements, establishing antitrust procedures and remedies, eliminating reporting requirements, and providing a penalty.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 71](#), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 141](#), a bill for an act relating to reimbursement to owners of aboveground petroleum storage tanks for costs associated with the upgrade or permanent closure of aboveground petroleum storage tanks.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 176](#), a bill for an act entering Iowa into the Midwestern higher education compact.

Also: That the Senate has on March 3, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 205](#), a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGE CONSIDERED

[Senate File 71](#), by committee on agriculture, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date.

Read first time and **passed on file.**

[HOUSE FILE 533](#) REREFERRED

The Speaker announced that [House File 533](#), previously **placed on calendar** was rereferred to committee on **ways and means.**

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 245

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

House Study Bill 246

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

House Study Bill 252

Human Resources: Freeman, Chair; Granzow and Wendt.

House Study Bill 253

Human Resources: Lukan, Chair; Hunter and Roberts.

House Study Bill 254

Natural Resources: May, Chair; Lykam and Rasmussen.

House Study Bill 255

State Government: Jochum, Chair; Paulsen and Upmeyer.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 256 Appropriations

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of cultural affairs, the department of education, and the state board of regents.

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 File 328](#)), providing for the regulation of livestock moved into this state, by requiring a certificate treatment, and making penalties applicable.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 234](#)), relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 217](#)), relating to services and providers included under the volunteer health care provider program.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House File 314](#)), establishing requirements for persons contracting with the state to provide services.

Fiscal note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly [House File 442](#)), establishing a sex offender registry database task force within the department of administrative services.

Fiscal note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 154](#)), relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 155](#)), revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

Fiscal note is not required.

Recommended **Do Pass** March 3, 2005.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly [House File 61](#)), relating to electronic filing of campaign finance organizational statements, dissolution reports, and disclosure reports by candidates for statewide office or for the general assembly and by political committees and state statutory political committees and providing an effective date.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House File 242](#)), relating to governmental employment by executive branch officials, state employees, and members of the general assembly.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 58](#)), relating to elections and voter registration by requiring the election of township officers on a nonpartisan basis, prohibiting the processing of certain voter registration applications, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, striking the requirement that a voter's name be announced by a precinct election official, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, deleting the requirement for a separate affidavit envelope for absentee ballots, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, relating to the form prescribed for return carrier envelopes, allowing an immediate family member to return a voted absentee ballot in person to the commissioner's office, allowing an absentee voter to correct a deficiency in the affidavit returned with the voted absentee ballot, allowing the voting of replacement absentee ballots in certain circumstances, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provision declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 63](#)), concerning the determination of state regulatory fees on excursion gambling boats relating to the number of gaming enforcement officers on larger excursion gambling boats.

Fiscal note is not required.

Recommended **Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 64](#)), relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

Committee Bill (Formerly [House Study Bill 162](#)), concerning social and charitable gambling, including the regulation of cash raffles at fairs, prohibiting raffles at annual game nights, establishing a permanent electrical and mechanical amusement devices special fund and providing an appropriation, and providing for the denial, suspension, and revocation of certain gambling licenses by the department of inspections and appeals.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 3, 2005.

AMENDMENTS FILED

H-1048	H.F.	277	Senate Amendment
H-1049	H.F	419	Gaskill of Wapello

On motion by Lukan of Dubuque the House adjourned at 9:12 a.m., until 1:00 p.m., Monday, March 7, 2005.