

PROOF

STATE OF IOWA

House Journal

MONDAY, MARCH 7, 2005

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JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day - Thirty-ninth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, March 7, 2005

The House met pursuant to adjournment at 1:00 p.m., Speaker Rants in the chair.

Prayer was offered by Reverend Howard Vrankin, pastor of the First Lutheran Church, Newton. He was the guest of Representative Paul Bell from Jasper County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Waldorf Chamber Choir from Forest City. They were the guests of Representative Linda Upmeyer from Hancock County.

The Journal of Friday, March 4, 2005 was approved.

INTRODUCTION OF BILLS

House File 604, by D. Olson, a bill for an act relating to the transfer of the administration of vital records functions.

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

House File 605, by Mascher, Foege, Jochum, Winckler, Oldson, Wessel-Kroeschell, Lensing, Reichert, Heddens, Wendt, T. Taylor and Bukta, a bill for an act relating to human growth and development and health education under the education standards, authorizing school districts and nonpublic schools to provide comprehensive sexual health education, and establishing related duties for the director of the department of education.

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

House File 606, by committee on ways and means, a bill for an act providing a sales and use tax exemption for certain appliances that meet the energy efficiency rating established for the appliance by

the United States environmental protection agency and providing an effective date.

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

[House File 607](#), by committee on ways and means, a bill for an act relating to emergency services provided to residents of certain townships and including effective date and retroactive applicability date provisions.

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

[House File 608](#), by committee on judiciary, a bill for an act defining the term "possession" for purposes of the criminal law.

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

[House File 609](#), by committee on economic growth, a bill for an act providing for life science enterprises authorized to hold agricultural land, making penalties applicable, and providing an effective date.

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

SENATE MESSAGES CONSIDERED

[Senate File 141](#), by Johnson, 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 **passed on file**.

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

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

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

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

SPECIAL PRESENTATIONS

De Boef of Keokuk introduced to the House the 2004 Iowa Junior Miss, Andrea Roberts from Millersburg.

The House rose and expressed its welcome.

Soderberg of Plymouth introduced to the House the Honorable Ralph Klemme former state representative from Plymouth County.

The House rose and expressed its welcome.

On motion by Gipp of Winneshiek, the House was recessed at 1:10 p.m., until 3:15 p.m.

AFTERNOON SESSION

The House reconvened at 3:17 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 610](#), by committee on commerce, regulation and labor, a bill for an act relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

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

[House File 611](#), by committee on commerce, regulation and labor, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

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

[House File 612](#), by committee on commerce, regulation and labor, a bill for an act 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.

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

[House File 613](#), by committee on commerce, regulation and labor, a bill for an act relating to the regulation of hot water heating boilers for swimming pools and spas.

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

[House File 614](#), by committee on commerce, regulation and labor, a bill for an act relating to the transmission, installation, and use of computer software through deceptive or unauthorized means.

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

The House stood at ease at 3:19 p.m., until the fall of the gavel.

The House resumed session at 3:43 p.m., Speaker Rants in the chair.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wendt of Woodbury on request of Murphy of Dubuque.

CONSIDERATION OF BILLS Ways and Means Calendar

[House File 506](#), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, was taken up for consideration.

[SENATE FILE 114](#) SUBSTITUTED FOR [HOUSE FILE 506](#)

Soderberg of Plymouth asked and received unanimous consent to substitute [Senate File 114](#) for [House File 506](#).

[Senate File 114](#), a bill for an act relating to tax credit certificates issued by the Iowa capital investment board and providing an effective date, was taken up for consideration.

Soderberg of Plymouth 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. 114](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	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	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	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wendt

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

SENATE AMENDMENT CONSIDERED

Watts of Dallas called up for consideration [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, eliminating the Iowa broadband initiative, and providing a penalty, amended by the Senate, and moved that the House concur in the following Senate amendment [H-1048](#):

[H-1048](#)

- 1 Amend [House File 277](#), as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, line 1, by striking the word and
- 4 figure "[January 1](#)," and inserting the following:
- 5 "[January 31](#)".

The motion prevailed and the House concurred in the Senate amendment [H-1048](#).

Watts of Dallas moved that the bill, as amended by the Senate and concurred in by the House, 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. 277](#))

The ayes were, 93:

Alons	Anderson	Baudler	Bell
Berry	Boal	Bukta	Carroll
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Elgin	Foegen	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	Rasmussen
Rayhons	Reasoner	Reichert	Roberts
Sands	Schickel	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, D.	Taylor, T.	Tjepkes	Tomenga
Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wessel-Kroeschell	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, 6:

Arnold	Eichhorn	Fallon	Schueller
Thomas	Whitaker		

Absent or not voting, 1:

Wendt

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

Regular Calendar

House File 418, a bill for an act concerning billing for anatomic pathology services and making licensing sanctions applicable, was taken up for consideration.

Tymeson of Madison offered the following amendment **H-1038** filed by her and moved its adoption:

H-1038

- 1 Amend **House File 418** as follows:
- 2 1. Page 1, line 11, by striking the words "or
- 3 clinic".
- 4 2. Page 1, by inserting after line 11, the
- 5 following:
- 6 "____. The public health clinic or nonprofit clinic
- 7 that ordered the services."
- 8 3. Page 1, line 18, by striking the word and
- 9 figure "subsection 5" and inserting the following:
- 10 "subsections 5 and 6".
- 11 4. Page 2, by inserting after line 4, the
- 12 following:
- 13 "6. This section does not prohibit claims or
- 14 charges for anatomic pathology services presented on
- 15 behalf of a public health clinic or nonprofit clinic
- 16 that ordered the services provided that the clinic is
- 17 identified on the claim or charge presented."
- 18 5. Page 2, line 5, by striking the figure "6."
- 19 and inserting the following: "7."
- 20 6. Page 2, line 8, by striking the figure "7."
- 21 and inserting the following: "8."
- 22 7. By renumbering as necessary.

Amendment **H-1038** was adopted.

Tymeson of Madison 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. 418](#))

The ayes were, 99:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	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	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	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Wendt

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

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 277, 418** and [Senate File 114](#).

HOUSE FILES 311 and 506 WITHDRAWN

Soderberg of Plymouth asked and received unanimous consent to withdraw House Files 311 and 506 from further consideration by the House.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 3, 2005, he approved and transmitted to the Secretary of State the following bills:

[House File 175](#), an Act relating to the names of business entities.

[House File 197](#), an Act relating to inheritance tax by eliminating the requirement that the department of revenue receive notice of withdrawal of funds from a joint account by a surviving joint owner.

[Senate File 113](#), an Act relating to nonsubstantive code corrections and including effective and retroactive applicability date provisions.

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\614 | Richard "Dick" and Dorothy Garrison, Waterloo – For celebrating their 50 th wedding anniversary. |
| 2005\615 | Harold Bravender, Waterloo – For celebrating his 83 rd birthday. |
| 2005\616 | Mary Segebarth, Waterloo – For celebrating her 90 th birthday. |
| 2005\617 | Donald Aswegan, Waterloo – For celebrating his 80 th birthday. |
| 2005\618 | William "Bill" Robinson, Waterloo – For celebrating his 80 th birthday. |
| 2005\619 | Ida Hale, Greenfield – For celebrating her 100 th birthday. |
| 2005\620 | Marvin and Ruby Byriel, Audubon – For celebrating their 60 th wedding anniversary. |

- 2005\621 Guy and Doris Jontz, Stuart – For celebrating their 60th wedding anniversary.
- 2005\622 Marvin and Laurel Nielson, Irwin – For celebrating their 50th wedding anniversary.
- 2005\623 Ed and Belva Peterson, Guthrie Center – For celebrating their 50th wedding anniversary.
- 2005\624 Lucy Hall, Casey – For celebrating her 85th birthday.
- 2005\625 Mary L. Johnson, Davenport – For celebrating her 80th birthday.
- 2005\626 Amanda Larssen, Davenport – For celebrating her 95th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 544](#)

Human Resources: Kurtenbach, Chair; Hutter and Smith.

[House File 552](#)

Human Resources: Lukan, Chair; Freeman and Wendt.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 238](#)

Commerce, Regulation and Labor: Hoffman, Chair; Pettengill, Sands, Shomshor and Tomenga.

[House Study Bill 239](#)

Commerce, Regulation and Labor: Wilderdyke, Chair; Soderberg and D. Taylor.

[House Study Bill 241](#)

Human Resources: Carroll, Chair; Freeman and Wendt.

[House Study Bill 248](#)

Judiciary: Paulsen, Chair; Swaim and Tymeson.

[House Study Bill 250](#)

Natural Resources: J.R. Van Fossen, Chair; Rasmussen and Whitead.

[House Study Bill 251](#)

Human Resources: Upmeyer, Chair; Freeman and Heddens.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 257 State Government

Relating to the executive council.

H.S.B. 258 Judiciary

Relating to an offer of settlement in a civil case and providing remedies.

H.S.B. 259 Environmental Protection

Relating to certification requirements for installers of geothermal heating units.

H.S.B. 260 Natural Resources

Relating to the regulation of all-terrain vehicles, establishing fees, and providing penalties.

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 COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House File 407](#)), requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 413](#)), relating to the transmission of electronic mail including the transmission of unsolicited bulk electronic mail, and the solicitation of the purchase of prescription drugs and the sale of adulterated or misbranded drugs through the use of electronic mail or the internet, and providing for penalties.

Fiscal Note is not required.

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

Committee Bill (Formerly [House File 465](#)), relating to the transmission, installation, and use of computer software through deceptive or unauthorized means.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 170](#)), relating to the regulation of hot water heating boilers for swimming pools and spas.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 210](#)), 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.

Fiscal Note is not required.

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

COMMITTEE ON EDUCATION

Committee Bill (Formerly [House Study Bill 201](#)), relating to the duties and responsibilities of the state board of regents and the institutions under its control and providing for the nonreversion of funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly [House File 45](#)), relating to administrative rules for controlling fugitive dust.

Fiscal Note is not required.

Recommended **Do Pass** March 7, 2005.

Committee Bill (Formerly [House Study Bill 158](#)), relating to environmental regulations regarding water treatment, sewer systems, and household hazardous waste.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON JUDICIARY

[House Joint Resolution 1](#), a joint resolution proposing an amendment to the Constitution of the State of Iowa to define marriage.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 9](#)), relating to workers' compensation insurance, benefits, and settlements, and related nonoccupational disability benefits.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 196](#)), relating to the procedures and duties of the judicial branch, making an appropriation to the enhanced court collections fund, and providing for fees.

Fiscal Note is not required.

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

Committee Bill (Formerly [House Study Bill 198](#)), 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** March 3, 2005.

COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly [House Study Bill 178](#)), relating to delinquent property taxes and other duties of the county treasurer and including effective date and applicability date provisions.

Fiscal Note is not required.

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

COMMITTEE ON NATURAL RESOURCES

Committee Bill (Formerly [House File 244](#)), restricting the sale of bait by nonresidents who hold a license to engage in aquaculture.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 2005.

COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly [House Study Bill 219](#)), relating to distribution of secondary and farm-to-market road funds.

Fiscal Note is not required.

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

AMENDMENT FILED

[H-1050](#) [H.F. 476](#) Davitt of Warren

On motion by Gipp of Winneshiek the House adjourned at 4:00 p.m., until 8:45 a.m., Tuesday, March 8, 2005.