

**PROOF**

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**STATE OF IOWA**

**House Journal**

**TUESDAY, MARCH 8, 2005**

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

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## JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day - Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 8, 2005

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

Prayer was offered by Reverend Jim Wakelin, pastor of Bloomfield Christian Church, Bloomfield. He was the guest of Representative Kurt Swaim from Davis County.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Monday, March 7, 2005 was approved.

### INTRODUCTION OF BILLS

[House File 615](#), by Elgin, a bill for an act providing for the imposition of a regional lodging tax for regional promotion and projects.

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

[House File 616](#), by committee on human resources, a bill for an act revising requirements applicable to county and multicounty decategorization of child welfare and juvenile justice funding projects.

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

[House File 617](#), by committee on human resources, a bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly.

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

[House File 618](#), by committee on human resources, a bill for an act establishing requirements for persons contracting with the state to provide services.

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

[House File 619](#), by committee on human resources, a bill for an act establishing a sex offender registry database task force within the department of administrative services.

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

[House File 620](#), by committee on human resources, a bill for an act relating to the volunteer health care provider program and providing an effective date.

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

[House File 621](#), by committee on public safety, 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 placed on the **calendar**.

[House File 622](#), by committee on public safety, a bill for an act relating to the department of public safety by updating references, changing the names of divisions in the department, and changing practices and procedures.

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

[House File 623](#), by committee on agriculture, a bill for an act relating to the promotion of biodiesel and E-85 blended gasoline as renewable fuels.

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

[House File 624](#), by committee on agriculture, a bill for an act providing for the regulation of livestock moved into this state,

including by requiring certain certificates and making penalties applicable.

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

[House File 625](#), by Swaim, a bill for an act relating to a person who assaults a peace officer by exchanging or attempting to exchange bodily fluids and providing a penalty.

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

[House File 626](#), by Shomshor, a bill for an act creating a special animal friendly motor vehicle registration plate, establishing fees, and making an appropriation.

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

[House File 627](#), by Jochum and Murphy, a bill for an act relating to the residency requirements for city civil service employees.

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

[House File 628](#), by Jochum, a bill for an act relating to changes in the state's election laws relating to the right of Iowa's citizens to vote and providing for the Act's implementation.

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

[House File 629](#), by Bukta, Shomshor, Frevert, Wendt, Reasoner, Kuhn, Quirk, Lensing, Berry, Miller, Smith, Ford, Schueller, Davitt, Hoffman, Foege, Wise, Horbach, Mascher, Cohoon, J.R. Van Fossen, Chambers, D. Taylor, Oldson, Murphy and S. Olson, a bill for an act creating a military family relief fund and providing an income tax checkoff for deposit in the fund, making an appropriation, and providing a retroactive applicability date.

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

[House File 630](#), by T. Taylor, a bill for an act classifying employees within certain state positions as permanent employees of the state.

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

[House File 631](#), by Wilderdyke, a bill for an act providing for the licensure of elevator mechanics and providing a penalty.

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

[House File 632](#), by Wise, a bill for an act creating a special colorectal cancer awareness motor vehicle registration plate, establishing fees, and making an appropriation.

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

[House File 633](#), by Zirkelbach, a bill for an act establishing an Iowa national guard law enforcement training scholarship program and making an appropriation.

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

[House File 634](#), by D. Olson, a bill for an act relating to licensing requirements for drivers of vans used to transport railroad workers.

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

[House File 635](#), by Mascher, a bill for an act relating to manual patient handling by nurses in a hospital setting.

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

[House File 636](#), by Thomas, a bill for an act requiring health care providers, hospitals, and designated employees to inform patients of inclusion on the patient's insurance provider list under specified circumstances.

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

[House File 637](#), by Gaskill, a bill for an act requiring certain information to be provided to the parent, guardian, or custodian of a child who is removed without a court order or is removed by an emergency court order and providing an applicability date.

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

[House File 638](#), by Jochum, a bill for an act relating to patient access to providers under certain managed care health plans or indemnity plans.

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

[House File 639](#), by committee on economic growth, a bill for an act establishing a statewide work-based learning intermediary network grant program and making an appropriation.

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

[House File 640](#), by committee on natural resources, a bill for an act relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

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

[House File 641](#), by committee on state government, a bill for 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.

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

#### ADOPTION OF [HOUSE RESOLUTION 5](#)

Alons of Sioux called up for consideration [House Resolution 5](#), a resolution to honor the service of the 132nd Fighter Wing of the Iowa Air National Guard, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Alons of Sioux introduced to the House Colonel Greg Schwab and the servicemen of the 132<sup>nd</sup> Fighter Wing of the Iowa Air National Guard.

The House rose and expressed its welcome.

## REPORT OF THE CHIEF CLERK OF THE HOUSE

MR. SPEAKER: Pursuant to House Rule 42, I report that in engrossing bills the following corrections were made:

House Resolution 5

1. Page 2, line 7 – Change Iowa to U.S.

MARGARET A. THOMSON  
Chief Clerk of the House

SENATE FILE 205 REREFERRED

The Speaker announced that Senate File 205, previously referred to committee on **agriculture** was **passed on file**.

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 8<sup>th</sup> day of March, 2005: House File 190.

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\627 | Richard and Frances Groeneweg, Rock Valley – For celebrating their 60 <sup>th</sup> wedding anniversary. |
| 2005\628 | Byron and Doris Darrow, Anamosa – For celebrating their 70 <sup>th</sup> wedding.                        |

- 2005\629 Merle and Aleida Kruger, George – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2005\630 Kati Hamlin, George – For receiving I's at the State Piano Contest.
- 2005\631 Jean Mieras, Boyden – For celebrating her 90<sup>th</sup> birthday.
- 2005\632 Jennie Jansma, Rock Rapids – For celebrating her 94<sup>th</sup> birthday.
- 2005\633 Luke Satern, Humboldt – For receiving 1<sup>st</sup> place in the 135 lb. weight class in the class 2-A division of the 2005 State Wrestling Tournament.
- 2005\634 Elmo and Eleanor Tomlinson, Gilman – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2005\635 Dorothy Held, Ventura – For celebrating her 80<sup>th</sup> birthday.
- 2005\636 Lloyd and Evelyn Runia, Sibley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\637 Franklin and Edna Mett, Hartley – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\638 Emma Luttmann, Grinnell – For celebrating her 95<sup>th</sup> birthday.
- 2005\639 Leila Maring, Grinnell – For celebrating her 80<sup>th</sup> birthday.
- 2005\640 Melvin Verwers, Grinnell – For celebrating his 89<sup>th</sup> birthday.
- 2005\641 Bryon Starr, Clinton – For celebrating his 90<sup>th</sup> birthday.
- 2005\642 Mary Brophy, Davenport – For being named Irish Mother of the Year by the St. Patrick Society of the Quad Cities.
- 2005\643 Austin Baier, Nodaway Valley High School – For winning 1<sup>st</sup> place in the 125 lb. weight class in the class 1-A Division of the 2005 State Wrestling Tournament.
- 2005\644 Jim Christensen, Fontanelle – For being inducted into the Iowa Wrestling Officials Hall of Fame.
- 2005\645 Tim Baier, Fontanelle – For being inducted into the Iowa Wrestling Officials Hall of Fame.
- 2005\646 Edgar Vaske, Cascade – For celebrating his 102<sup>nd</sup> birthday.
- 2005\647 Vivian Taylor, Dysart – For celebrating her 100<sup>th</sup> birthday.
- 2005\648 Mildred Bohnstengel, Tama – For celebrating her 81<sup>st</sup> birthday.



- 2005\649 Dennis and Helen Wieben, Dysart – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\650 Dorothy Held, Ventura – For celebrating her 80<sup>th</sup> birthday.
- 2005\651 Delmar and Ellen Mollenbeck, Hampton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2005\652 Elsie Rockow-Schroeder, Dows – For celebrating her 80<sup>th</sup> birthday.
- 2005\653 Kenneth and Blanche Lincicum, Clear Lake – For celebrating their 60<sup>th</sup> wedding anniversary.
- 2005\654 Leland “PeeWee” Rezab, Plymouth – For celebrating his 80<sup>th</sup> birthday.
- 2005\655 Dick and Pauline Nickerson, Clear Lake – For celebrating their 55<sup>th</sup> wedding anniversary.
- 2005\656 Jerry and Lori Wauters, Elberon – For receiving the Iowa Good Neighbor Award.
- 2005\657 Andrew Louvau, Sioux Center – For attaining the rank of Eagle Scout, the highest rank in Boy Scouts of America.
- 2005\658 J.J. Gerard, Mason City – For celebrating his 92<sup>nd</sup> birthday.
- 2005\659 Frances Graner, Mason City – For celebrating her 90<sup>th</sup> birthday.
- 2005\660 Helen Glaspey, Mason City – For celebrating her 87<sup>th</sup> birthday.

SUBCOMMITTEE ASSIGNMENTS

**[House File 551](#)**

State Government: Raecker, Chair; Roberts and T. Taylor.

**[House File 552 Reassigned](#)**

Human Resources: Lukan, Chair; Berry and Freeman.

**[House File 573](#)**

Education: Granzow, Chair; Foegel and Tomenga.

**[House File 578](#)**

Education: Boal, Chair; Hogg and Paulsen.

**[House File 579](#)**

Education: Chambers, Chair; Roberts and Wendt.

**[House File 593](#)**

Education: Carroll, Chair; Mascher and Soderberg.

**[House File 594](#)**

Education: Dolecheck, Chair; Chambers and Mascher.

**[House File 598](#)**

Judiciary: Paulsen, Chair; Jochum and Tymeson.

**[House File 605](#)**

Education: Kaufmann, Chair; Chambers and Mascher.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**[House Study Bill 225](#) Reassigned**

Human Resources: Roberts, Chair; Freeman and Smith.

**[House Study Bill 242](#)**

Government Oversight: Alons, Chair; Baudler and Lensing.

**[House Study Bill 244](#)**

Economic Growth: Soderberg, Chair; Granzow and Reichert.

**[House Study Bill 249](#)**

Judiciary: Eichhorn, Chair; Alons and R. Olson.

**[House Study Bill 257](#)**

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

**[House Study Bill 258](#)**

Judiciary: Anderson, Chair; Paulsen and Swaim.

**[House Study Bill 260](#)**

Natural Resources: Tjepkes, Chair; Frevert and Lukan.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 261 Commerce, Regulation and Labor**

Relating to the unemployment rate of contribution of a person who acquires an organization, trade, or business and providing penalties.

### **H.S.B. 262 Commerce, Regulation and Labor**

Relating to exempting certain customers from participation in energy efficiency plan requirements of electric utilities.

### **H.S.B. 263 State Government**

Relating to the licensure of gambling treatment programs.

### **H.S.B. 264 Judiciary**

Relating to surrender of motor vehicle registrations upon conviction for a second or subsequent offense of operating while intoxicated, issuance of special series motor vehicle registration plates, providing a fee and an appropriation, and providing penalties.

### **H.S.B. 265 Commerce, Regulation and Labor**

Relating to awards of noneconomic damages in civil cases involving a nonprofit organization that employs disabled employees.

### **H.S.B. 266 Oversight**

Relating to purchases made by state agencies using a state procurement card.

### **H.S.B. 267 Natural Resources**

Relating to the regulation of snowmobiles, establishing fees, and providing penalties.

### **H.S.B. 268 Economic Growth**

Relating to vertical infrastructure funding by providing for the crediting of gambling revenues, authorizing the issuance of bonds to provide vertical infrastructure funding, and making appropriations.

**H.S.B. 269 Human Resources**

Relating to crimes against members of the species Homo sapiens at any stage of development and making penalties applicable.

**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 ECONOMIC GROWTH**

**Committee Bill** (Formerly [House File 264](#)), establishing a statewide work-based learning intermediary network grant program and making an appropriation.

Fiscal Note is not required.

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

**Pursuant to Rule 31.7, [House File 639](#) was referred to the committee on appropriations.**

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly [House File 342](#)), relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

**Committee Bill** (Formerly [House Study Bill 101](#)), relating to the regulation of elder group homes and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

**COMMITTEE ON NATURAL RESOURCES**

**Committee Bill** (Formerly [House File 149](#)), relating to the regulation and registration of certain vessels, the operation of certain vessels by minors, inspections of certain vessels, the operation of vessels for hire or commercial vessels, providing for

penalties, and appropriating the moneys collected from certain registration fee increases to the state fish and game protection fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 2005.

**Pursuant to Rule 31.7, [House File 640](#) was referred to the committee on ways and means.**

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly [House File 62](#)), prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

**Committee Bill** (Formerly [House File 331](#)), relating to the issuance of traffic citations for railroad crossing violations.

Fiscal Note is not required.

Recommended **Do Pass** March 8, 2005.

**Committee Bill** (Formerly [House File 263](#)), allowing a refund of unexpired motor vehicle registration fees to a vehicle owner who moves out of state.

Fiscal note is not required.

Recommended **Amend and Do Pass** March 8, 2005.

#### RESOLUTION FILED

**[HR 16](#)**, by Mascher, a resolution requesting the establishment of a legislative interim study committee to review the physical education requirements for students under the state's educational standards.

Laid over under **Rule 25**.

#### AMENDMENT FILED

**[H-1051](#)**      **[H.F. 538](#)**      Heddens of Story

On motion by Gipp of Winneshiek the House adjourned at 9:04 a.m., until 8:45 a.m., Wednesday, March 9, 2005.