

PROOF

STATE OF IOWA

House Journal

MONDAY, JANUARY 31, 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

Twenty-second Calendar Day - Fourteenth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Monday, January 31, 2005

The House met pursuant to adjournment at 1:11 p.m., Speaker pro tempore Carroll in the chair.

Prayer was offered by Dr. Hal Green, pastor of Wesley Methodist Church, Muscatine. He was the guest of Representative Nathan Reichert from Muscatine County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by students from Miller Middle School of Marshalltown. They were the guests of Representative Mark Smith from Marshall County.

The Journal of Thursday, January 27, 2005 was approved.

INTRODUCTION OF BILLS

[House File 143](#), by Winckler and J. R. Van Fossen, a bill for an act relating to the issuance or renewal of liquor control licenses and wine and beer permits by local authorities.

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

[House File 144](#), by Heaton and Horbach, a bill for an act providing for access to the Iowa communications network by local law enforcement and first responder personnel under specified circumstances.

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

[House File 145](#), by Ford, a bill for an act relating to the establishment of a commission to review the implementation of the Iowa supreme court's equality in the courts task force and providing an effective date.

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

[House File 146](#), by Whitaker, a bill for an act adding an exemption for colleges and universities established by city ordinance to the requirements relating to the registration of postsecondary schools.

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

[House File 147](#), by Ford, a bill for an act making an appropriation to the department of education for purposes of the academic incentives for minorities program.

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

[House File 148](#), by Ford, a bill for an act prohibiting discrimination in the business of insurance on the basis of gender and making remedies and penalties applicable.

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

[House File 149](#), by May, 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 **natural resources**.

[House File 150](#), by Hunter, a bill for an act relating to the applicability of federal overtime pay regulations.

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

[House File 151](#), by Ford, a bill for an act relating to the recognition of school district performance excellence resulting from

the implementation of outstanding comprehensive school improvement plans.

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

[House File 152](#), by Jochum, a bill for an act relating to fair market drug pricing.

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

[House File 153](#), by Ford, a bill for an act requiring the state department of transportation to conduct a review of aviation security measures necessary to prevent terrorism.

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

[House File 154](#), by Shoultz, a bill for an act relating to the issuance of a no-contact order against the biological parent of an adopted person whose presence or contact with the adopted person poses a threat to the health or safety of the adopted person.

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

[House File 155](#), by Baudler, a bill for an act relating to life insurance premium reimbursements for certain members of the national guard, and providing applicability and effective dates.

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

[House File 156](#), by Ford, a bill for an act relating to dependent adult abuse and providing criminal penalties.

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

[House File 157](#), by Ford, a bill for an act relating to dependent adult abuse and providing penalties.

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

[House File 158](#), by Hogg, a bill for an act relating to the authority of cities and counties to require storm shelters in manufactured home

communities or mobile home parks, and providing effective and applicability dates.

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

[House File 159](#), by Whitaker, a bill for an act relating to hunting including nonresident turkey and deer hunting licenses, the help us stop hunger program, registration of hunting guides and outfitters, deer management plans, providing for fees and penalties, and making an appropriation.

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

[House File 160](#), by Bell, a bill for an act relating to the regulation of pharmacy benefits managers and providing for civil relief.

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

[House File 161](#), by Shoultz, Berry, Mascher, Ford, Hogg, Foege, Jochum, Heddens, T. Taylor, Wessel-Kroeschell, Lensing, Hunter and Maddox , a bill for an act relating to the sale or transfer of firearms between unlicensed persons at a gun show held on state property and providing penalties.

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

[House File 162](#), 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 referred to committee on **appropriations**.

[House File 163](#), by Murphy, Bell, Berry, Bukta, Cohoon, Dandekar, Davitt, Fallon, Foege, Ford, Frevert, Gaskill, Heddens, Hogg, Hunter, Huser, Jacoby, Jochum, Kressig, Kuhn, Lensing, Lykam, Mascher, McCarthy, Mertz, Miller, Oldson, D. Olson, R. Olson, Petersen, Pettengill, Quirk, Reasoner, Reichert, Schueller, Shomshor, Shoultz, Smith, Swaim, D. Taylor, T. Taylor, Thomas, Wendt, Wessel-Kroeschell, Whitaker, Whitehead, Winckler, Wise and

Zirkelbach, a bill for an act relating to the applicability of federal overtime pay requirements.

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

[House File 164](#), by Bell and Van Engelenhoven, 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 referred to committee on **ways and means**.

[House File 165](#), by Thomas, a bill for an act relating to a special free deer hunt for certain residents with permanent disabilities.

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

[House File 166](#), by Shoultz, a bill for an act relating to the acceptance of empty beverage containers by dealers of beverages, the reimbursement amount paid by a distributor for empty beverage containers, a property tax exemption for glass recyclers, and providing civil penalties.

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

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 January 27, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 57](#), a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

Also: That the Senate has on January 27, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 74](#), a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

Also: That the Senate has on January 27, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 75](#), a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

SENATE MESSAGES CONSIDERED

[Senate File 57](#), by committee on local government, a bill for an act authorizing the appointment of a nine-member city zoning board of adjustment.

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

[Senate File 74](#), by committee on commerce, a bill for an act relating to financial institutions, by prohibiting the deceptive use of name, and providing remedies and penalties.

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

[Senate File 75](#), by committee on appropriations, a bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions.

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

COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 19, 2005, and is on file in the office of the Chief Clerk:

January 13, 2005

Chief Clerk
House of Representatives
Statehouse
L O C A L

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims committee of the House of Representatives.

These include 40 claims of general nature that were denied by the State Appeal Board during May 2004 through January 2005.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,
David A. Vaudt
Chairperson
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

MARGARET A. THOMSON
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD
SUBMITTED TO THE 81ST GENERAL ASSEMBLY
May 2004 through January 2005

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G030497	Gregg Tiling, Inc	Hamburg	IA	Waiver of IRP Penalty	\$289.33
G030835	Rural Community Insurance Co	Anoka	MN	Premium Tax Refund	\$1,208.00
G030969	Larry Jaggie	Cherokee	IA	Refund	\$208.98
G031052	Nationwide Mutual Insurance Company	Columbus	OH	Premium Tax Refund	\$964,111.00
G031053	AMCO Insurance Company	Columbus	OH	Premium Tax Refund	\$638,956.00
G031054	Depositors Insurance Company	Des Moines	IA	Premium Tax Refund	\$247,725.00
G031055	Allied Property and Casualty Insurance Company	Des Moines	IA	Premium Tax Refund	\$481,538.00
G031092	Fidelity Investments Life Insurance Company	Boston	MA	Premium Tax Refund	\$1,400.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G031094	Austin Mutual Insurance Company	Minneapolis	MN	Premium Tax Refund	\$12,331.00
G040040	Parker Distributing Co, Inc	Bettendorf	IA	IRP Renewal	\$6,944.10
G040150	David S. Bruner	Carroll	IA	Deed	\$173.60
G040209	South Carolina Insurance Company	Columbia	SC	Premium Tax Refund	\$539.00
G040361	Safe Petroleum Co	Hamilton	IL	Diesel Tax Refund	\$169,752.37
G040446	Humana Insurance Company	Louisville	KY	Premium Tax Refund	\$179,321.00
G040532	Susan A. Pohl	Clive	IA	Travel Expense	\$74.54
G040669	Pioneer HiBred International Inc	Mankato	MN	License Refund	\$265.00
G040674	Northwestern National Casualty Company	Trenton	NJ	Premium Tax Refund	\$99,295.00
G040791	Charlene Chestnut	Cedar Falls	IA	Outdated Warrant	\$586.25
G040793	Graybar	Chicago	IL	Equipment	\$161.40
G040963	Shelby Casualty Insurance Company	Birmingham	AL	Premium Tax Refund	\$22,000.00
G041199	Northwest Food Products Transportation LLC	Hudson	WI	Permit Refund	\$25.00
G041201	Lumbermens Mutual Casualty Company	Long Grove	IL	Premium Tax Refund	\$15,807.16
G041202	American Motorists Insurance Company	Long Grove	IL	Premium Tax Refund	\$20,700.35
G041203	American Manufacturers Mutual Insurance Company	Long Grove	IL	Premium Tax Refund	\$25,100.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>State</u>	<u>Type</u>	<u>Amount</u>
G041204	American Protection Insurance Company	Long Grove	IL	Premium Tax Refund	\$2,000.00
G041356	Families, Inc	West Branch	IA	Professional Services	\$71.04
G041357	Families, Inc	West Branch	IA	Professional Services	\$33.69
G041358	Purina Mill Inc	Sioux City	IA	IRP Fees	\$2,034.00
G041359	Families, Inc	West Branch	IA	Professional Services	\$142.08
G041418	Allamakee County	Waukon	IA	Civil Commitment Costs	\$2,580.78
G041432	Harry John Willard & Juanita Mary Anderson	Mason City	IA	Homestead Credit	\$135.00
G050179	Area 14 Agency on Aging/Southern Iowa Trolley	Creston	IA	Transportation	\$40.00
G050367	Toria Square, Inc/Vicki Stevenson	Davenport	IA	Tax Refund	\$142.00
G930233	World Trade Centers Association Inc	New York	NY	Outdated Invoice	\$2,500.00
G930555	Lorie Gail Spargur	Cedar Rapids	IA	Reimbursement	\$90.72
G960575	Families of NE Iowa	Maquoketa	IA	Provider Services	\$90.96
G962048	James M. Cropp	Indianola	IA	Outdated Expense	\$55.56
G971218	Archie James Sinclair	Des Moines	IA	Military Tax Exemption	\$750.00
G971300	City of DeWitt	DeWitt	IA	Fuel Refund	\$845.99
G980741	Iowa Division Vocational Rehabilitation Services	Des Moines	IA	Reimbursement	\$3,725.00

COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF ECONOMIC DEVELOPMENT

2004 annual report on the activities of Endow Iowa, pursuant to Chapter 15E.306, Code of Iowa.

**DEPARTMENT OF PUBLIC DEFENSE
Iowa National Guard**

2004 Iowa Communications Network Savings report, pursuant to Chapter 8D.10, Code of Iowa.

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\237 | Thomas and Marcia Burke, Sioux City – For celebrating their 50 th wedding anniversary. |
| 2005\238 | Gerrit and Marie Fedders, Sioux City – For celebrating their 60 th wedding anniversary. |
| 2005\239 | Nina Featherston, Le Mars – For celebrating her 80 th birthday. |
| 2005\240 | Joan Neyens, Le Mars – For celebrating her 80 th birthday. |
| 2005\241 | Art and Judy Schroeder, Remsen – For celebrating their 50 th wedding anniversary. |
| 2005\242 | John and Mary Vander Molen, Remsen – For celebrating their 50 th wedding anniversary. |
| 2005\243 | Beulah Grant, Hawarden – For celebrating their 80 th birthday. |
| 2005\244 | Walter and Mary Catherine Adam, Fairfield – For celebrating their 60 th wedding anniversary. |
| 2005\245 | Kenneth and Mary Margaret “Peg” Allbaugh, Waterloo – For celebrating their 60 th wedding anniversary. |

- 2005\246 Galen and Mary Van Dorn, Waterloo – For celebrating their 60th wedding anniversary.
- 2005\247 Florence and Mike Tovar, Waterloo – For celebrating their 50th wedding anniversary.
- 2005\248 Mrs. Sally Meimann, Nevada – For celebrating her 90th birthday.

SUBCOMMITTEE ASSIGNMENTS

[House File 108](#)

Transportation: Schickel, Chair; Jones and Mertz.

[House File 121](#)

Transportation: Jones, Chair; Huseman and Lykam.

[House File 155](#)

State Government: Jones, Chair; Greiner, Paulsen, Quirk and Whitead.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 85](#)

Commerce, Regulation and Labor: Freeman, Chair; Pettengill and Struyk.

[House Study Bill 86](#)

Commerce, Regulation and Labor: Soderberg, Chair; Quirk and Watts.

[House Study Bill 88](#)

Commerce, Regulation and Labor: Horbach, Chair; Jacoby and May.

[House Study Bill 89](#)

Commerce, Regulation and Labor: Horbach, Chair; May and D. Taylor.

[House Study Bill 90](#)

Commerce, Regulation and Labor: May, Chair; Watts and Wise.

[House Study Bill 91](#)

Natural Resources: Van Engelenhoven, Chair; Lukan and R. Olson.

[House Study Bill 92](#)

Natural Resources: Freeman, Chair; Bell, Lykam, May and Van Engelenhoven.

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

H.S.B. 106 Judiciary

Relating to the size of a jury panel in a misdemeanor criminal case.

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 7](#)), 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.

Fiscal Note is not required.

Recommended **Amend and Do Pass**, January 25, 2005.

Pursuant to Rule 31.7, [House File 162](#), was referred to the committee on appropriations.

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly [House File 76](#)), relating to the penalties for a payor who knowingly fails to withhold income or pay amounts withheld under a support order.

Fiscal Note is not required

Recommended **Do Pass**, January 27, 2005.

On motion by Jacobs of Polk the House adjourned at 1:24 p.m., until 8:45 a.m., Tuesday, February 1, 2005.