

PROOF

STATE OF IOWA

House Journal

THURSDAY, MARCH 4, 2004

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JOURNAL OF THE HOUSE

Fifty-third Calendar Day - Thirty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Thursday, March 4, 2004

The House met pursuant to adjournment at 8:44 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Phil Webb, pastor of the First United Methodist Church, Boone. He was the guest of Representative Donovan Olson from Boone County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Wednesday, March 3, 2004 was approved.

INTRODUCTION OF BILLS

[House File 2433](#), by committee on transportation, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

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

[House File 2434](#), by committee on public safety, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

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

[House File 2435](#), by committee on commerce, regulation and labor, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property.

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

[House File 2436](#), by Berry and Raecker, a bill for an act allowing school districts to request additional allowable growth for before and after school programs and providing for related matters.

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

[House File 2437](#), by Davitt, Connors, Gaskill, Tjepkes, Foege, Swaim, Granzow, Reasoner, Wendt, Dennis, Hogg, Rayhons, Upmeyer, Stevens, De Boef, and Dandekar, a bill for an act extending the deadline for driver's license renewal for peace corps volunteers.

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

[House File 2438](#), by Frevert, a bill for an act relating to funding aviation assistance programs through the issuance of tax-exempt bonds and making appropriations.

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

[House File 2439](#), by Petersen, Bukta, Mascher, Stevens, Winckler, Gaskill, Lensing, Greimann, Miller, Jochum, T. Taylor, D. Taylor, D. Olson, Smith, Bell, Cohoon, Whitead, Wendt, Thomas, Jacoby, Ford, Shomshor, Struyk, Frevert, Dandekar, Kuhn, Lykam, Reasoner, Heddens and Whitaker, a bill for an act relating to economic development and regulatory matters at the state and local level, authorizing issuance of tax-exempt bonds and tax credits, making appropriations, and providing a retroactive applicability date.

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

[House File 2440](#), by committee on commerce, regulation and labor, a bill for an act relating to awards of noneconomic damages against health care providers.

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

[House File 2441](#), by committee on judiciary, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

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

[House File 2442](#), by committee on judiciary, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

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

[House File 2443](#), by committee on judiciary, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

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

[House File 2444](#), by committee on transportation, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

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

[House File 2445](#), by Osterhaus, Fallon, Bukta, Winckler, Stevens, Mascher, Gaskill, Lensing, Greimann, Shoultz, Miller, Jochum, T. Taylor, D. Olson, Smith, Whitead, Whitaker, Hunter, Wendt, Thomas, Jacoby, Ford, Swaim, Shomshor, D. Taylor, Murphy, Heddens, Reasoner, Quirk, Mertz, Connors, Kuhn and Cohoon, a bill for an act relating to the establishment of a healthy Iowa for all program.

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

[House File 2446](#), by Eichhorn, Manternach, Hutter, Lukan, J. R. Van Fossen, Dennis, Schickel and Tjepkes, a bill for an act relating to hearing schedules in contested cases before the workers' compensation commissioner.

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

[House File 2447](#), by committee on commerce, regulation and labor, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the

industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date.

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

House File 2448, by committee on commerce, regulation and labor, a bill for an act relating to municipal utilities that provide local exchange services the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

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

House File 2449, by committee on commerce, regulation and labor, a bill for an act relating to the collection of costs associated with residential real estate loans.

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

House File 2450, by committee on judiciary, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

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

House File 2451, by committee on environmental protection, a bill for an act relating to stormwater discharge permits issued by the department of natural resources.

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

House File 2452, by committee on state government, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

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

House File 2453, by committee on judiciary, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

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

[House File 2454](#), by committee on judiciary, a bill for an act extending a time limit on executions of judgments and orders for wage garnishment for the payment of a support obligation.

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

[House File 2455](#), by committee on human resources, a bill for an act establishing covenant marriages and providing an effective date.

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

[House File 2456](#), by committee on public safety, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

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

[House File 2457](#), by committee on judiciary, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

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

[House File 2458](#), by committee on judiciary, a bill for an act relating to the transfer and apportionment of district associate judges and associate juvenile judges, and to the qualifications of magistrates.

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

ADOPTION OF [HOUSE CONCURRENT RESOLUTION 112](#)

Thomas of Clayton and Granzow of Hardin called up for consideration [House Concurrent Resolution 112](#), a concurrent resolution urging the United States Congress to appropriate funding for the federal Historic Preservation Fund and the Historic Barn Preservation Act, and moved its adoption.

The motion prevailed and the resolution was adopted.

SPECIAL PRESENTATION

Bell of Jasper introduced to the House, ChenLinYi, President of the China Meat Import and Distribution Association and his wife, Mrs. LinYi; MayMay and Bill Ng from the Iowa Food of Ankeny, (former native of Hong Kong), from Taiwan whom expressed his greetings and respect for our democracy and spoke about his meeting with several Iowa leaders regarding Iowa pork products and other various Iowa products through their interpreter, SuChen from Chicago. Gipp of Winneshiek presented ChenLinYi with a gift thanking them for their partnership and the honor of their appearance before the House.

The House rose and expressed its welcome.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [House Concurrent Resolution 112](#) be immediately messaged to the Senate.

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

- | | |
|----------|--|
| 2004\630 | Chad Beatty, Wilton – For winning the Class 1-A, 171 lb. Championship of the 2004 State High School Wrestling Tournament. |
| 2004\631 | Matt Fields, North Cedar School – For winning the Class 1-A Heavyweight Championship of the 2004 State High School Wrestling Tournament for the second time. |
| 2004\632 | Ryan Bormann, Tipton High School – For winning the Class 1-A, 145 lbs. Championship of the 2004 State High School Wrestling Tournament, the first in school history. |
| 2004\633 | Craig Kreman, Tipton High School – For being State Runner Up in the Class 1-A, 171 lbs. Division of the 2004 State High School Wrestling Tournament. |

- 2004\634 Kyle Eliason, Tipton High School – For placing 6th in the Class 1-A, 140 lbs. Division of the 2004 State High School Wrestling Tournament.
- 2004\635 Michael Boddicker, Tipton High School – For being a State Qualifier in the Class 1-A, 215 lbs. Division of the 2004 State High School Wrestling Tournament.
- 2004\636 Drew Kreman, Tipton High School – For being a State Qualifier in the Class 1-A, 162 lbs. Division of the 2004 State High School Wrestling Tournament.
- 2004\637 Coach Shawn Kreman, Tipton High School – For placing 5th in total team scoring and for their 1st Individual State Champion in school history in the Class 1-A, 2004 State High School Wrestling Tournament.
- 2004\638 Ray and Irene Fleck, Oskaloosa – For celebrating their 60th wedding anniversary.
- 2004\639 Ron and Carol Emerson, Grinnell – For celebrating their 50th wedding anniversary.
- 2004\640 Larry and Helen Cox, Grinnell – For celebrating their 50th wedding anniversary.
- 2004\641 Magdelene Mulder, Charles City – For celebrating her 90th birthday.
- 2004\642 Genevieve Boyd, Charles City – For celebrating her 80th birthday.
- 2004\643 Chase Holmgaard, Fort Dodge – For winning the Class 3-A, 171 lb. Championship of the 2004 State High School Wrestling Tournament.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 707](#)

Economic Growth: Jenkins, Chair; Kramer and Thomas.

[House Study Bill 708](#)

Judiciary: Maddox, Chair; Lensing and Van Fossen, J.R.

[House Study Bill 709](#)

Public Safety: Alons, Chair; Bell and Sands.

House Study Bill 710

State Government: Drake, Chair; Connors and Watts.

House Study Bill 711

Judiciary: Paulsen, Chair; Eichhorn and Reasoner.

House Study Bill 712

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

House Study Bill 713

State Government: Jacobs, Chair; Oldson and Watts.

House Study Bill 714

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

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

H.S.B. 715 Human Resources

Relating to the establishment of the next friend durable power of attorney relationship between two individuals acting simultaneously as principal and agent of the other party, and providing for a repeal.

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 2408**), relating to the management of manure, excreta, or other commonly associated wastes of dogs kept by commercial breeders, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 631](#)), relating to animal agriculture by providing for offenses involving animal facilities and crop operation property and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 688](#)), requesting the legislative council to establish an interim study committee to examine issues relating to fees imposed, assessed, and collected by the department of agriculture and land stewardship.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

COMMITTEE ON COMMERCE, REGULATION AND LABOR

Committee Bill (Formerly [House File 2330](#)), providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 546](#)), relating to the telemarketing provisions of the consumer fraud act, and applying remedies and penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 588](#)), relating to rules of the Iowa utilities board regarding rate regulation proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 645](#)), providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 673](#)), to permit a state bank to organize as a limited liability company.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

COMMITTEE ON ECONOMIC GROWTH

Committee Bill (Formerly [House Study Bill 652](#)), relating to a study identifying a permanent funding source for the grow Iowa values fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 654](#)), relating to job training programs and the job corps centers.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

COMMITTEE ON ENVIRONMENTAL PROTECTION

Committee Bill (Formerly [House File 2331](#)), relating to lead abatement and property owner or agent liability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 600](#)), relating to the powers of soil and water conservation districts and county conservation boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 695](#)), providing for the regulation of air quality, and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 696](#)), relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

COMMITTEE ON JUDICIARY

[House Joint Resolution 2002](#), a joint resolution petitioning Congress to propose an amendment to the Constitution of the United States defining marriage as the legal union between one man and one woman as husband and wife.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House File 153](#)), prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House File 2022](#)), relating to the statute of limitations relative to a judgment of distribution of marital assets involving fraud.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2218](#)), relating to licensure requirements for American sign language and manual English interpreters, making an appropriation, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House File 2248](#)), relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House File 2388](#)), expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House File 2411](#)), defining the term "possession" for purposes of a criminal case.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 531](#)), creating a private cause of action for certain consumer fraud violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 668](#)), relating to the assessment of surcharges in criminal proceedings.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 683](#)), relating to protective orders and court-approved consent agreements under the domestic abuse Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly [House Study Bill 599](#)), relating to regulation of sales at unused property markets and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 638](#)), relating to the suspension or revocation of a retail liquor control license, wine permit, or beer permit for specified liquor control violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 680](#)), relating to requiring certain persons to submit a DNA sample for DNA profiling, authorizing a fee, providing a penalty, and providing effective and contingent effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

COMMITTEE ON STATE GOVERNMENT

[House File 511](#), a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

House File 2123, a bill for an act providing for the determination of partisan balance on boards and commissions.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly **House File 220**), relating to the sales of beer kegs by requiring an identification number on each keg of beer, recording of the purchase of beer by the keg, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly **House File 2090**), relating to the confidentiality of certain information relating to homeless individuals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly **House File 2114**), requiring a counting mechanism on electrical and mechanical amusement devices that are required to be registered by the department of inspections and appeals.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly **House Study Bill 114**), providing for and requiring the statewide licensure of electricians and installers, providing for registration of apprentice electricians, establishing fees, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly **House Study Bill 130**), relating to the use of titles pertaining to physical therapy and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

Committee Bill (Formerly **House Study Bill 522**), relating to the quorum requirements for the Iowa Access advisory council.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 650](#)), to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 686](#)), relating to public retirement systems and providing effective and applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 694](#)), providing for a sick leave and vacation incentive program for state employees and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

Committee Bill (Formerly [House Study Bill 710](#)), providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 2004.

COMMITTEE ON TRANSPORTATION

[Senate File 2070](#), a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 2004.

Committee Bill (Formerly [House Study Bill 651](#)), relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 3, 2004.

RESOLUTION FILED

[HCR 116](#), by Committee on Agriculture, a concurrent resolution requesting the legislative council to establish an interim study committee to examine issues relating to fees imposed, assessed, and collected by the department of agriculture and land stewardship.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-8155	H.F. 2262	Drake of Pottawattamie
H-8156	H.F. 2427	Kramer of Polk
		Jenkins of Black Hawk

On motion by Gipp of Winneshiek the House adjourned at 9:10 a.m., until 9:30 a.m., Friday, March 5, 2004.